

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE AUGUST 3, 2016

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Mark Stone

February 16, 2016

An act to amend Sections 48204, 48853, 56155.5, and 79420 of the Education Code, to amend Sections 6552, 7911, 7911.1, 7912, 8712, and 9201 of, and to add Section 9203.1 to, the Family Code, to amend Section 30029.7 of the Government Code, to amend Sections 1501.1, 1502, 1502.4, 1506, 1506.1, 1506.3, 1506.5, 1506.6, 1506.7, 1506.8, 1507.25, 1517, 1520.1, 1522.2, 1522.4, 1522.41, 1522.43, 1522.44, 1523.1, 1524.6, 1525.5, 1530.7, 1530.8, 1531.1, 1531.15, 1534, 1536, 1538.3, 1538.5, 1538.6, 1538.7, 1538.8, 1538.9, 1548, 1562, 1562.01, 1562.35, 1563, and 1567.4 of, and to add Sections 1517.1, 1517.2, and 1517.3 to, the Health and Safety Code, to amend Section 676.7 of the Insurance Code, to amend Section 11165.7 of the Penal Code, to amend Sections 1541 and 1543 of the Probate Code, and to amend Sections 291, 293, 294, 295, 309, 319.3, 361.2, 361.3, 361.4, 361.45, 361.5, 366.26, 706.6, 727, 727.1, 727.4, 4094.2, 4096, 4096.5, 11253.45, 11400, 11402, 11460, 11461, 11461.2, 11462, 11462.01, 11462.02,

11462.04, 11462.041, 11463, 11465, 11466, 11466.2, 11466.21, 11466.22, 11466.24, 11466.25, 11466.31, 11466.32, 11468, 11469, 16000, 16501, 16501.1, 16504.5, 16514, 16519.5, 16519.55, 16519.6, 18250, 18251, 18254, and 18358.30 of, to amend, repeal, and add Section 11462.06 of, to add Sections 11466.01, 16519.61, and 16519.62 to, to add the heading of Article 2 (commencing with Section 16519.5) to Chapter 5 of Part 4 of Division 9 of, to add the heading of Article 3 (commencing with Section 16520) to Chapter 5 of Part 4 of Division 9 of, to repeal Sections 11463.01 and 11463.1 of, and to repeal and add Sections 11402.01 and 16519.51 of, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as amended, Mark Stone. Foster care.

(1) Existing law provides for the early implementation, by counties and foster family agencies, of the resource family approval process, which is a unified, family friendly, and child-centered approval process that replaces the multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. Existing law requires the State Department of Social Services to implement the resource family approval process in all counties and with all foster family agencies by January 1, 2017.

This bill would also specify that the resource family approval process replaces certification of foster homes by foster family agencies and the approval of guardians. The bill would make conforming statutory changes related to the statewide implementation of the resource family approval process, including prohibiting the department and counties from accepting applications to license foster family homes, and prohibiting foster family agencies from accepting applications to certify foster homes, on and after January 1, 2017. The bill would also make specified changes relating to resource families including by, among others, requiring the department to develop a basic rate that ensures that a child placed in a licensed foster family home, a certified family home, or with a resource family approved by a county or foster family agency is eligible for the same basic rate, and would revise certain aspects of the resource family approval process, including by, among other things, requiring counties and foster family agencies to conduct annual, announced inspections of resource family homes and to inspect

resource family homes as often as necessary to ensure the quality of care provided; authorizing counties to grant, deny, or rescind criminal records exemptions; and making it a misdemeanor to willfully and knowingly, with the intent to deceive, make a false statement or fail to disclose a material fact in a resource family application. By imposing additional duties on counties, by creating a new crime, and by expanding the duties of foster family agencies, for which the failure to comply is a crime, this bill would impose a state-mandated local program.

(2) Existing law, the California Community Care Facilities Act, provides for the licensure of short-term residential treatment centers, which are residential facilities licensed by the State Department of Social Services and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. The act also provides for the licensure of foster family agencies, which are organizations engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes and other places for placement of children for temporary or permanent care who require that level of care. A violation of the act is a crime.

This bill would instead identify “short-term residential treatment centers” as “short-term residential therapeutic programs” and would provide that they are facilities operated by a public agency or private organization and licensed by the department that provide an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children. The bill would make various changes relating to the licensing and operation of short-term residential therapeutic programs and foster family agencies, including by, among other things, requiring the department to establish rates for short-term residential therapeutic programs and foster family agencies that include an interim rate, provisional rate, and probationary rate, and providing for the implementation of those rates; specifying that a foster family agency licensed before January 1, 2017, has until December 31, 2018, to obtain accreditation, and that a foster family agency licensed on or after January 1, 2017, or a short-term residential therapeutic program has up to 24 months from the date of licensure to obtain accreditation; and requiring a private short-term residential therapeutic program to be organized and operated on a nonprofit basis. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) Existing federal law, the Adoption and Safe Families Act of 1997, among other provisions, establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as “another planned permanent living arrangement” (APPLA). Existing law declares the intent of the Legislature to conform state law to the federal act, as specified. Existing law generally provides a minor 16 years of age and older with another planned permanent living arrangement, as prescribed.

This bill would make conforming changes by deleting references to long-term foster care and instead providing for placement in another planned permanent living arrangement.

(4) This bill would require the State Department of Social Services and the State Department of Health Care Services to adopt regulations to implement its provisions, and to implement certain other provisions of existing law. The bill would authorize those departments to implement the provisions of this bill by all-county letter or similar written instructions until regulations are adopted. The bill would make other changes related to foster care and the placement of foster children.

~~(5) This bill would incorporate additional changes to Section 48204 of the Education Code proposed by AB 2537 that would become operative if this bill and AB 2537 are both chaptered and this bill is chaptered last.~~

~~(5) This bill would incorporate additional changes made by AB 741, AB 1001, AB 1067, AB 1688, AB 1702, AB 1762, AB 1838, AB 1849, AB 2005, AB 2231, AB 2537, SB 524, and SB 1336 that would become operative only if this bill is chaptered last.~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48204 of the Education Code, as amended
2 by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended
3 to read:

1 48204. (a) Notwithstanding Section 48200, a pupil complies
2 with the residency requirements for school attendance in a school
3 district if he or she is any of the following:

4 (1) (A) A pupil placed within the boundaries of that school
5 district in a regularly established licensed children's institution or
6 a licensed foster home as defined in Section 56155.5, or a family
7 home pursuant to a commitment or placement under Chapter 2
8 (commencing with Section 200) of Part 1 of Division 2 of the
9 Welfare and Institutions Code.

10 (B) An agency placing a pupil in a home or institution described
11 in subparagraph (A) shall provide evidence to the school that the
12 placement or commitment is pursuant to law.

13 (2) A pupil who is a foster child who remains in his or her school
14 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

15 (3) A pupil for whom interdistrict attendance has been approved
16 pursuant to Chapter 5 (commencing with Section 46600) of Part
17 26.

18 (4) A pupil whose residence is located within the boundaries of
19 that school district and whose parent or legal guardian is relieved
20 of responsibility, control, and authority through emancipation.

21 (5) A pupil who lives in the home of a caregiving adult that is
22 located within the boundaries of that school district. Execution of
23 an affidavit under penalty of perjury pursuant to Part 1.5
24 (commencing with Section 6550) of Division 11 of the Family
25 Code by the caregiving adult is a sufficient basis for a
26 determination that the pupil lives in the home of the caregiver,
27 unless the school district determines from actual facts that the pupil
28 is not living in the home of the caregiver.

29 (6) A pupil residing in a state hospital located within the
30 boundaries of that school district.

31 (7) A pupil whose parent or legal guardian resides outside of
32 the boundaries of that school district but is employed and lives
33 with the pupil at the place of his or her employment within the
34 boundaries of the school district for a minimum of three days
35 during the school week.

36 (b) A school district may deem a pupil to have complied with
37 the residency requirements for school attendance in the school
38 district if at least one parent or the legal guardian of the pupil is
39 physically employed within the boundaries of that school district
40 for a minimum of 10 hours during the school week.

1 (1) This subdivision does not require the school district within
2 which at least one parent or the legal guardian of a pupil is
3 employed to admit the pupil to its schools. A school district shall
4 not, however, refuse to admit a pupil under this subdivision on the
5 basis, except as expressly provided in this subdivision, of race,
6 ethnicity, sex, parental income, scholastic achievement, or any
7 other arbitrary consideration.

8 (2) The school district in which the residency of either the
9 parents or the legal guardian of the pupil is established, or the
10 school district to which the pupil is to be transferred under this
11 subdivision, may prohibit the transfer of the pupil under this
12 subdivision if the governing board of the school district determines
13 that the transfer would negatively impact the court-ordered or
14 voluntary desegregation plan of the school district.

15 (3) The school district to which the pupil is to be transferred
16 under this subdivision may prohibit the transfer of the pupil if the
17 school district determines that the additional cost of educating the
18 pupil would exceed the amount of additional state aid received as
19 a result of the transfer.

20 (4) The governing board of a school district that prohibits the
21 transfer of a pupil pursuant to paragraph (1), (2), or (3) is
22 encouraged to identify, and communicate in writing to the parents
23 or the legal guardian of the pupil, the specific reasons for that
24 determination and is encouraged to ensure that the determination,
25 and the specific reasons for the determination, are accurately
26 recorded in the minutes of the board meeting in which the
27 determination was made.

28 (5) The average daily attendance for pupils admitted pursuant
29 to this subdivision is calculated pursuant to Section 46607.

30 (6) Unless approved by the sending school district, this
31 subdivision does not authorize a net transfer of pupils out of a
32 school district, calculated as the difference between the number
33 of pupils exiting the school district and the number of pupils
34 entering the school district, in a fiscal year in excess of the
35 following amounts:

36 (A) For a school district with an average daily attendance for
37 that fiscal year of less than 501, 5 percent of the average daily
38 attendance of the school district.

39 (B) For a school district with an average daily attendance for
40 that fiscal year of 501 or more, but less than 2,501, 3 percent of

1 the average daily attendance of the school district or 25 pupils,
2 whichever amount is greater.

3 (C) For a school district with an average daily attendance of
4 2,501 or more, 1 percent of the average daily attendance of the
5 school district or 75 pupils, whichever amount is greater.

6 (7) Once a pupil is deemed to have complied with the residency
7 requirements for school attendance pursuant to this subdivision
8 and is enrolled in a school in a school district the boundaries of
9 which include the location where at least one parent or the legal
10 guardian of a pupil is physically employed, the pupil does not have
11 to reapply in the next school year to attend a school within that
12 school district and the governing board of the school district shall
13 allow the pupil to attend school through grade 12 in that school
14 district if the parent or legal guardian so chooses and if at least
15 one parent or the legal guardian of the pupil continues to be
16 physically employed by an employer situated within the attendance
17 boundaries of the school district, subject to paragraphs (1) to (6),
18 inclusive.

19 (c) This section shall become inoperative on July 1, 2017, and
20 as of January 1, 2018, is repealed, unless a later enacted statute,
21 that becomes operative on or before January 1, 2018, deletes or
22 extends the dates on which it becomes inoperative and is repealed.

23 SEC. 1.5. Section 48204 of the Education Code, as amended
24 by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended
25 to read:

26 48204. (a) Notwithstanding Section 48200, a pupil complies
27 with the residency requirements for school attendance in a school
28 district if he or she is any of the following:

29 (1) (A) A pupil placed within the boundaries of that school
30 district in a regularly established licensed children's institution or
31 a licensed foster home as defined in Section 56155.5, or a family
32 home pursuant to a commitment or placement under Chapter 2
33 (commencing with Section 200) of Part 1 of Division 2 of the
34 Welfare and Institutions Code.

35 (B) An agency placing a pupil in a home or institution described
36 in subparagraph (A) shall provide evidence to the school that the
37 placement or commitment is pursuant to law.

38 (2) A pupil who is a foster child who remains in his or her school
39 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

1 (3) A pupil for whom interdistrict attendance has been approved
2 pursuant to Chapter 5 (commencing with Section 46600) of Part
3 26.

4 (4) A pupil whose residence is located within the boundaries of
5 that school district and whose parent or legal guardian is relieved
6 of responsibility, control, and authority through emancipation.

7 (5) A pupil who lives in the home of a caregiving adult that is
8 located within the boundaries of that school district. Execution of
9 an affidavit under penalty of perjury pursuant to Part 1.5
10 (commencing with Section 6550) of Division 11 of the Family
11 Code by the caregiving adult is a sufficient basis for a
12 determination that the pupil lives in the home of the caregiver,
13 unless the school district determines from actual facts that the pupil
14 is not living in the home of the caregiver.

15 (6) A pupil residing in a state hospital located within the
16 boundaries of that school district.

17 (7) A pupil whose parent or legal guardian resides outside of
18 the boundaries of that school district but is employed and lives
19 with the pupil at the place of his or her employment within the
20 boundaries of the school district for a minimum of three days
21 during the school week.

22 (b) (1) A school district may deem a pupil to have complied
23 with the residency requirements for school attendance in the school
24 district if at least one parent or the legal guardian of the pupil is
25 physically employed within the boundaries of that school district
26 for a minimum of 10 hours during the school week.

27 (2) This subdivision does not require the school district within
28 which at least one parent or the legal guardian of a pupil is
29 employed to admit the pupil to its schools. A school district shall
30 not, however, refuse to admit a pupil under this subdivision on the
31 basis, except as expressly provided in this subdivision, of race,
32 ethnicity, sex, parental income, scholastic achievement, or any
33 other arbitrary consideration.

34 (3) The school district in which the residency of either the
35 parents or the legal guardian of the pupil is established, or the
36 school district to which the pupil is to be transferred under this
37 subdivision, may prohibit the transfer of the pupil under this
38 subdivision if the governing board of the school district determines
39 that the transfer would negatively impact the court-ordered or
40 voluntary desegregation plan of the school district.

1 (4) The school district to which the pupil is to be transferred
2 under this subdivision may prohibit the transfer of the pupil if the
3 school district determines that the additional cost of educating the
4 pupil would exceed the amount of additional state aid received as
5 a result of the transfer.

6 (5) The governing board of a school district that prohibits the
7 transfer of a pupil pursuant to paragraph (2), (3), or (4) is
8 encouraged to identify, and communicate in writing to the parents
9 or the legal guardian of the pupil, the specific reasons for that
10 determination and is encouraged to ensure that the determination,
11 and the specific reasons for the determination, are accurately
12 recorded in the minutes of the board meeting in which the
13 determination was made.

14 (6) The average daily attendance for pupils admitted pursuant
15 to this subdivision is calculated pursuant to Section 46607.

16 (7) Unless approved by the sending school district, this
17 subdivision does not authorize a net transfer of pupils out of a
18 school district, calculated as the difference between the number
19 of pupils exiting the school district and the number of pupils
20 entering the school district, in a fiscal year in excess of the
21 following amounts:

22 (A) For a school district with an average daily attendance for
23 that fiscal year of less than 501, 5 percent of the average daily
24 attendance of the school district.

25 (B) For a school district with an average daily attendance for
26 that fiscal year of 501 or more, but less than 2,501, 3 percent of
27 the average daily attendance of the school district or 25 pupils,
28 whichever amount is greater.

29 (C) For a school district with an average daily attendance of
30 2,501 or more, 1 percent of the average daily attendance of the
31 school district or 75 pupils, whichever amount is greater.

32 (8) Once a pupil is deemed to have complied with the residency
33 requirements for school attendance pursuant to this subdivision
34 and is enrolled in a school in a school district the boundaries of
35 which include the location where at least one parent or the legal
36 guardian of a pupil is physically employed, the pupil does not have
37 to reapply in the next school year to attend a school within that
38 school district and the governing board of the school district shall
39 allow the pupil to attend school through grade 12 in that school
40 district if the parent or legal guardian so chooses and if at least

1 one parent or the legal guardian of the pupil continues to be
2 physically employed by an employer situated within the attendance
3 boundaries of the school district, subject to paragraphs (2) to (7),
4 inclusive.

5 SEC. 2. Section 48204 of the Education Code, as amended by
6 Section 2.5 of Chapter 554 of the Statutes of 2015, is amended to
7 read:

8 48204. (a) Notwithstanding Section 48200, a pupil complies
9 with the residency requirements for school attendance in a school
10 district if he or she is:

11 (1) (A) A pupil placed within the boundaries of that school
12 district in a regularly established licensed children's institution or
13 a licensed foster home as defined in Section 56155.5, or a family
14 home pursuant to a commitment or placement under Chapter 2
15 (commencing with Section 200) of Part 1 of Division 2 of the
16 Welfare and Institutions Code.

17 (B) An agency placing a pupil in the home or institution
18 described in subparagraph (A) shall provide evidence to the school
19 that the placement or commitment is pursuant to law.

20 (2) A pupil who is a foster child who remains in his or her school
21 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

22 (3) A pupil for whom interdistrict attendance has been approved
23 pursuant to Chapter 5 (commencing with Section 46600) of Part
24 26.

25 (4) A pupil whose residence is located within the boundaries of
26 that school district and whose parent or legal guardian is relieved
27 of responsibility, control, and authority through emancipation.

28 (5) A pupil who lives in the home of a caregiving adult that is
29 located within the boundaries of that school district. Execution of
30 an affidavit under penalty of perjury pursuant to Part 1.5
31 (commencing with Section 6550) of Division 11 of the Family
32 Code by the caregiving adult is a sufficient basis for a
33 determination that the pupil lives in the home of the caregiver,
34 unless the school district determines from actual facts that the pupil
35 is not living in the home of the caregiver.

36 (6) A pupil residing in a state hospital located within the
37 boundaries of that school district.

38 (7) A pupil whose parent or legal guardian resides outside of
39 the boundaries of that school district but is employed and lives
40 with the pupil at the place of his or her employment within the

1 boundaries of the school district for a minimum of three days
2 during the school week.

3 (b) This section shall become operative on July 1, 2017.

4 SEC. 3. Section 48853 of the Education Code is amended to
5 read:

6 48853. (a) A pupil described in subdivision (a) of Section
7 48853.5 who is placed in a licensed children's institution or foster
8 family home as defined in Section 56155.5, shall attend programs
9 operated by the local educational agency, unless one of the
10 following applies:

11 (1) The pupil is entitled to remain in his or her school of origin
12 pursuant to paragraph (1) of subdivision (e) of Section 48853.5.

13 (2) The pupil has an individualized education program requiring
14 placement in a nonpublic, nonsectarian school or agency, or in
15 another local educational agency.

16 (3) The parent or guardian, or other person holding the right to
17 make educational decisions for the pupil pursuant to Section 361
18 or 726 of the Welfare and Institutions Code or Section 56055,
19 determines that it is in the best interests of the pupil to be placed
20 in another educational program, in which case the parent or
21 guardian or other person holding the right to make educational
22 decisions for the pupil shall provide a written statement that he or
23 she has made that determination to the local educational agency.
24 This statement shall include a declaration that the parent, guardian,
25 or other person holding the right to make educational decisions
26 for the pupil is aware of all of the following:

27 (A) The pupil has a right to attend a regular public school in the
28 least restrictive environment.

29 (B) The alternate education program is a special education
30 program, if applicable.

31 (C) The decision to unilaterally remove the pupil from the
32 regular public school and to place the pupil in an alternate
33 education program may not be financed by the local educational
34 agency.

35 (D) Any attempt to seek reimbursement for the alternate
36 education program may be at the expense of the parent, guardian,
37 or other person holding the right to make educational decisions
38 for the pupil.

39 (b) For purposes of ensuring a parent, guardian, or other person
40 holding the right to make educational decisions for the pupil is

1 aware of the information described in subparagraphs (A) to (D),
2 inclusive, of paragraph (3) of subdivision (a), the local educational
3 agency may provide him or her with that information in writing.

4 (c) Before any decision is made to place a pupil in a juvenile
5 court school as defined by Section 48645.1, a community school
6 as described in Sections 1981 and 48660, or other alternative
7 educational setting, the parent or guardian, or person holding the
8 right to make educational decisions for the pupil pursuant to
9 Section 361 or 726 of the Welfare and Institutions Code or Section
10 56055, shall first consider placement in the regular public school.

11 (d) If any dispute arises as to the school placement of a pupil
12 subject to this section, the pupil has the right to remain in his or
13 her school of origin, as defined in subdivision (f) of Section
14 48853.5, pending resolution of the dispute. The dispute shall be
15 resolved in accordance with the existing dispute resolution process
16 available to any pupil served by the local educational agency.

17 (e) This section does not supersede other laws that govern pupil
18 expulsion.

19 (f) This section does not supersede any other law governing the
20 educational placement in a juvenile court school, as defined by
21 Section 48645.1, of a pupil detained in a county juvenile hall, or
22 committed to a county juvenile ranch, camp, forestry camp, or
23 regional facility.

24 (g) (1) Foster children living in emergency shelters, as
25 referenced in the federal McKinney-Vento Homeless Assistance
26 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational
27 services at the emergency shelter as necessary for short periods of
28 time for either of the following reasons:

29 (A) For health and safety emergencies.

30 (B) To provide temporary, special, and supplementary services
31 to meet the child's unique needs if a decision regarding whether
32 it is in the child's best interests to attend the school of origin cannot
33 be made promptly, it is not practical to transport the child to the
34 school of origin, and the child would otherwise not receive
35 educational services.

36 (2) The educational services may be provided at the shelter
37 pending a determination by the person holding the right regarding
38 the educational placement of the child.

39 (h) All educational and school placement decisions shall be
40 made to ensure that the child is placed in the least restrictive

1 educational programs and has access to academic resources,
2 services, and extracurricular and enrichment activities that are
3 available to all pupils. In all instances, educational and school
4 placement decisions shall be based on the best interests of the
5 child.

6 (i) (1) A complaint of noncompliance with the requirements of
7 this section may be filed with the local educational agency under
8 the Uniform Complaint Procedures set forth in Chapter 5.1
9 (commencing with Section 4600) of Division 1 of Title 5 of the
10 California Code of Regulations.

11 (2) A complainant not satisfied with the decision of a local
12 educational agency may appeal the decision to the department
13 pursuant to Chapter 5.1 (commencing with Section 4600) of
14 Division 1 of Title 5 of the California Code of Regulations and
15 shall receive a written decision regarding the appeal within 60
16 days of the department's receipt of the appeal.

17 (3) If a local educational agency finds merit in a complaint, or
18 the Superintendent finds merit in an appeal, the local educational
19 agency shall provide a remedy to the affected pupil.

20 (4) Information regarding the requirements of this section shall
21 be included in the annual notification distributed to, among others,
22 pupils, parents or guardians of pupils, employees, and other
23 interested parties pursuant to Section 4622 of Title 5 of the
24 California Code of Regulations.

25 SEC. 4. Section 56155.5 of the Education Code is amended to
26 read:

27 56155.5. (a) As used in this part, "licensed children's
28 institution" means a residential facility that is licensed by the state,
29 or other public agency having delegated authority by contract with
30 the state to license, to provide nonmedical care to children,
31 including, but not limited to, individuals with exceptional needs.
32 "Licensed children's institution" includes a group home or
33 short-term residential therapeutic program, as defined in Section
34 1502 of the Health and Safety Code. As used in this article and
35 Article 3 (commencing with Section 56836.165) of Chapter 7.2,
36 a "licensed children's institution" does not include any of the
37 following:

38 (1) A juvenile court school, juvenile hall, juvenile home, day
39 center, juvenile ranch, or juvenile camp administered pursuant to

1 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part
2 27.

3 (2) A county community school program provided pursuant to
4 Section 1981.

5 (3) Any special education programs provided pursuant to Section
6 56150.

7 (4) Any other public agency.

8 (b) As used in this part, “foster family home” means a family
9 residence that is licensed by the state, or other public agency having
10 delegated authority by contract with the state to license, to provide
11 24-hour nonmedical care and supervision for not more than six
12 foster children, including, but not necessarily limited to, individuals
13 with exceptional needs. “Foster family home” includes a small
14 family home as defined in paragraph (6) of subdivision (a) of
15 Section 1502 of the Health and Safety Code, a certified family
16 home of a foster family agency as defined in Section 1506 of the
17 Health and Safety Code, and a resource family as defined in Section
18 1517 of the Health and Safety Code and Section 16519.5 of the
19 Welfare and Institutions Code.

20 SEC. 5. Section 79420 of the Education Code is amended to
21 read:

22 79420. Funds appropriated to the Board of Governors of the
23 California Community Colleges for the Foster Care Education
24 Program shall be used for foster parent and relative/kinship care
25 provider education in accordance with the following provisions:

26 (a) The Chancellor of the California Community Colleges shall
27 allocate these funds exclusively for foster parent and
28 relative/kinship care provider education and training, as specified
29 by the chancellor, in consultation with an advisory committee that
30 includes foster parents, representatives of statewide foster parent
31 organizations, parent and relative/kinship care providers, county
32 child welfare services representatives, and representatives of the
33 State Department of Social Services.

34 (b) If a community college district accepts funds for this
35 program, the district shall comply with all reporting requirements,
36 guidelines, and other conditions for receipt of those funds
37 established by the chancellor.

38 (c) Each college receiving funds for this program shall have a
39 plan, developed in consultation with the county child welfare
40 agency, for foster parent and relative/kinship care provider

1 education that includes the provision of training to facilitate the
2 development of foster family homes, as defined in Section 56155.5,
3 that care for no more than six children who have special mental,
4 emotional, developmental, or physical needs.

5 (d) The State Department of Social Services shall facilitate the
6 participation of county welfare departments in the Foster Care
7 Education Program.

8 SEC. 6. Section 6552 of the Family Code is amended to read:

9 6552. The caregiver's authorization affidavit shall be in
10 substantially the following form:

11
12 Caregiver's Authorization Affidavit

13
14 Use of this affidavit is authorized by Part 1.5 (commencing with
15 Section 6550) of Division 11 of the California Family Code.

16
17 Instructions: Completion of items 1–4 and the signing of the affidavit is
18 sufficient to authorize enrollment of a minor in school and authorize
19 school-related medical care. Completion of items 5–8 is additionally
20 required to authorize any other medical care. Print clearly.

21
22 The minor named below lives in my home and I am 18 years of age or
23 older.

24
25 1. Name of minor: _____.

26
27 2. Minor's birth date: _____.

28
29 3. My name (adult giving authorization): _____.

30
31 4. My home address: _____
32 _____.

33
34
35 5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the
36 minor (see back of this form for a definition of "qualified relative").

37
38 6. Check one or both (for example, if one parent was advised and the other
39 cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

Additional Information:

TO CAREGIVERS:

1 1. “Qualified relative,” for purposes of item 5, means a spouse,
2 parent, stepparent, brother, sister, stepbrother, stepsister, half
3 brother, half sister, uncle, aunt, niece, nephew, first cousin, or any
4 person denoted by the prefix “grand” or “great,” or the spouse of
5 any of the persons specified in this definition, even after the
6 marriage has been terminated by death or dissolution.

7
8 2. The law may require you, if you are not a relative or a currently
9 licensed, certified, or approved foster parent, to obtain resource
10 family approval pursuant to Section 1517 of the Health and Safety
11 Code or Section 16519.5 of the Welfare and Institutions Code in
12 order to care for a minor. If you have any questions, please contact
13 your local department of social services.

14
15 3. If the minor stops living with you, you are required to notify
16 any school, health care provider, or health care service plan to
17 which you have given this affidavit. The affidavit is invalid after
18 the school, health care provider, or health care service plan receives
19 notice that the minor no longer lives with you.

20
21 4. If you do not have the information requested in item 8
22 (California driver’s license or I.D.), provide another form of
23 identification such as your social security number or Medi-Cal
24 number.

25
26 **TO SCHOOL OFFICIALS:**

27
28 1. Section 48204 of the Education Code provides that this affidavit
29 constitutes a sufficient basis for a determination of residency of
30 the minor, without the requirement of a guardianship or other
31 custody order, unless the school district determines from actual
32 facts that the minor is not living with the caregiver.

33
34 2. The school district may require additional reasonable evidence
35 that the caregiver lives at the address provided in item 4.

36
37 **TO HEALTH CARE PROVIDERS AND HEALTH CARE**
38 **SERVICE PLANS:**

1 1. A person who acts in good faith reliance upon a caregiver's
2 authorization affidavit to provide medical or dental care, without
3 actual knowledge of facts contrary to those stated on the affidavit,
4 is not subject to criminal liability or to civil liability to any person,
5 and is not subject to professional disciplinary action, for that
6 reliance if the applicable portions of the form are completed.

7
8 2. This affidavit does not confer dependency for health care
9 coverage purposes.

10 SEC. 7. Section 7911 of the Family Code is amended to read:

11 7911. The Legislature finds and declares all of the following:

12 (a) The health and safety of California children placed by a
13 county social services agency or probation department out of state
14 pursuant to the provisions of the Interstate Compact on the
15 Placement of Children are a matter of statewide concern.

16 (b) The Legislature therefore affirms its intention that the State
17 Department of Social Services has full authority to require an
18 assessment and placement recommendation by a county
19 multidisciplinary team prior to placement of a child in an
20 out-of-state group home, to investigate allegations of child abuse
21 or neglect of minors so placed, and to ensure that out-of-state group
22 homes, accepting California children, meet all California group
23 home licensing standards.

24 (c) The Legislature also affirms its intention that, on and after
25 January 1, 2017, the licensing standards applicable to out-of-state
26 group homes certified by the department shall be those required
27 of short-term residential therapeutic programs operated in this
28 state.

29 (d) This section is declaratory of existing law with respect to
30 the Governor's designation of the State Department of Social
31 Services to act as the compact administrator and of that department
32 to act as the single state agency charged with supervision of public
33 social services under Section 10600 of the Welfare and Institutions
34 Code.

35 SEC. 8. Section 7911.1 of the Family Code is amended to read:

36 7911.1. (a) Notwithstanding any other law, the State
37 Department of Social Services or its designee shall investigate any
38 threat to the health and safety of children placed by a California
39 county social services agency or probation department in an
40 out-of-state group home pursuant to the provisions of the Interstate

1 Compact on the Placement of Children. This authority shall include
2 the authority to interview children or staff in private or review
3 their file at the out-of-state facility or wherever the child or files
4 may be at the time of the investigation. Notwithstanding any other
5 law, the State Department of Social Services or its designee shall
6 require certified out-of-state group homes to comply with the
7 reporting requirements applicable to group homes licensed in
8 California pursuant to Title 22 of the California Code of
9 Regulations for each child in care regardless of whether he or she
10 is a California placement, by submitting a copy of the required
11 reports to the Compact Administrator within regulatory timeframes.
12 The Compact Administrator within one business day of receiving
13 a serious events report shall verbally notify the appropriate
14 placement agencies and, within five working days of receiving a
15 written report from the out-of-state group home, forward a copy
16 of the written report to the appropriate placement agencies.

17 (b) Any contract, memorandum of understanding, or agreement
18 entered into pursuant to paragraph (b) of Article 5 of the Interstate
19 Compact on the Placement of Children regarding the placement
20 of a child out of state by a California county social services agency
21 or probation department shall include the language set forth in
22 subdivision (a).

23 (c) (1) The State Department of Social Services or its designee
24 shall perform initial and continuing inspection of out-of-state group
25 homes in order to either certify that the out-of-state group home
26 meets all licensure standards required of group homes operated in
27 California or that the department has granted a waiver to a specific
28 licensing standard upon a finding that there exists no adverse
29 impact to health and safety.

30 (2) (A) On and after January 1, 2017, the licensing standards
31 applicable to out-of-state group homes certified by the department,
32 as described in paragraph (1), shall be those required of short-term
33 residential therapeutic programs operated in this state, unless the
34 out-of-state group home is granted an extension pursuant to
35 subdivision (d) of Section 11462.04 of the Welfare and Institutions
36 Code or has otherwise been granted a waiver pursuant to this
37 subdivision.

38 (B) On and after January 1, 2017, the licensing standards
39 applicable to out-of-state group homes certified by the department,
40 as described in paragraph (1), shall include the licensing standards

1 for mental health program approval in Section 1562.01 of the
2 Health and Safety Code. These standards may be satisfied if the
3 out-of-state group home has an equivalent mental health program
4 approval in the state in which it is operating. If an out-of-state
5 group home cannot satisfy the licensing standards for an equivalent
6 mental health program approval, children shall not be placed in
7 that facility.

8 (3) In order to receive certification, the out-of-state group home
9 shall have a current license, or an equivalent approval, in good
10 standing issued by the appropriate authority or authorities of the
11 state in which it is operating.

12 (4) On and after January 1, 2017, an out-of-state group home
13 program shall, in order to receive an AFDC-FC rate, meet the
14 requirements of paragraph (2) of subdivision (c) of Section 11460
15 of the Welfare and Institutions Code.

16 (5) Any failure by an out-of-state group home facility to make
17 children or staff available as required by subdivision (a) for a
18 private interview or make files available for review shall be
19 grounds to deny or discontinue the certification.

20 (6) Certifications made pursuant to this subdivision shall be
21 reviewed annually.

22 (d) A county shall be required to obtain an assessment and
23 placement recommendation by a county multidisciplinary team
24 prior to placement of a child in an out-of-state group home facility.

25 (e) Any failure by an out-of-state group home to obtain or
26 maintain its certification as required by subdivision (c) shall
27 preclude the use of any public funds, whether county, state, or
28 federal, in the payment for the placement of any child in that
29 out-of-state group home, pursuant to the Interstate Compact on
30 the Placement of Children.

31 (f) (1) A multidisciplinary team shall consist of participating
32 members from county social services, county mental health, county
33 probation, county superintendents of schools, and other members
34 as determined by the county.

35 (2) Participants shall have knowledge or experience in the
36 prevention, identification, and treatment of child abuse and neglect
37 cases, and shall be qualified to recommend a broad range of
38 services related to child abuse or neglect.

39 (g) (1) The department may deny, suspend, or discontinue the
40 certification of the out-of-state group home if the department makes

1 a finding that the group home is not operating in compliance with
2 the requirements of subdivision (c).

3 (2) Any judicial proceeding to contest the department's
4 determination as to the status of the out-of-state group home
5 certificate shall be held in California pursuant to Section 1085 of
6 the Code of Civil Procedure.

7 (h) The certification requirements of this section shall not impact
8 placements of emotionally disturbed children made pursuant to an
9 individualized education program developed pursuant to the federal
10 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
11 et seq.) if the placement is not funded with federal or state foster
12 care funds.

13 (i) Only an out-of-state group home authorized by the Compact
14 Administrator to receive state funds for the placement by a county
15 social services agency or probation department of any child in that
16 out-of-state group home from the effective date of this section
17 shall be eligible for public funds pending the department's
18 certification under this section.

19 SEC. 9. Section 7912 of the Family Code is amended to read:

20 7912. (a) The Legislature finds and declares that the health
21 and safety of children in out-of-state group home care pursuant to
22 the Interstate Compact on the Placement of Children is a matter
23 of statewide concern. The Legislature therefore affirms its intention
24 that children placed by a county social services agency or probation
25 department in out-of-state group homes be accorded the same
26 personal rights and safeguards of a child placed in a California
27 group home. This section is in clarification of existing law.

28 (b) (1) The Compact Administrator may temporarily suspend
29 any new placements in an out-of-state group home, for a period
30 not to exceed 100 days, pending the completion of an investigation,
31 pursuant to subdivision (a) of Section 7911.1, regarding a threat
32 to the health and safety of children in care. During any suspension
33 period the department or its designee shall have staff daily onsite
34 at the out-of-state group home.

35 (2) On and after January 1, 2017, the licensing standards
36 applicable to out-of-state group homes certified by the State
37 Department of Social Services shall be those required of short-term
38 residential therapeutic programs operated in this state.

39 SEC. 10. Section 8712 of the Family Code is amended to read:

1 8712. (a) (1) The department, county adoption agency, or
2 licensed adoption agency shall require each person who files an
3 application for adoption to be fingerprinted and shall secure from
4 an appropriate law enforcement agency any criminal record of that
5 person to determine whether the person has ever been convicted
6 of a crime other than a minor traffic violation. The department,
7 county adoption agency, or licensed adoption agency may also
8 secure the person's full criminal record, if any, with the exception
9 of any convictions for which relief has been granted pursuant to
10 Section 1203.49 of the Penal Code. Any federal-level criminal
11 offender record requests to the Department of Justice shall be
12 submitted with fingerprint images and related information required
13 by the Department of Justice for the purposes of obtaining
14 information as to the existence and content of a record of an
15 out-of-state or federal conviction or arrest of a person or
16 information regarding any out-of-state or federal crimes or arrests
17 for which the Department of Justice establishes that the person is
18 free on bail, or on his or her own recognizance pending trial or
19 appeal. The Department of Justice shall forward to the Federal
20 Bureau of Investigation any requests for federal summary criminal
21 history information received pursuant to this section. The
22 Department of Justice shall review the information returned from
23 the Federal Bureau of Investigation and shall compile and
24 disseminate a response to the department, county adoption agency,
25 or licensed adoption agency.

26 (2) The department, county adoption agency, or licensed
27 adoption agency may obtain arrest or conviction records or reports
28 from any law enforcement agency as necessary to the performance
29 of its duties, as provided in this section.

30 (b) Notwithstanding subdivision (c), the criminal record, if any,
31 shall be taken into consideration when evaluating the prospective
32 adoptive parent, and an assessment of the effects of any criminal
33 history on the ability of the prospective adoptive parent to provide
34 adequate and proper care and guidance to the child shall be
35 included in the report to the court.

36 (c) (1) The department, county adoption agency, or licensed
37 adoption agency shall not give final approval for an adoptive
38 placement in any home in which the prospective adoptive parent
39 or any adult living in the prospective adoptive home has either of
40 the following:

1 (A) A felony conviction for child abuse or neglect, spousal
2 abuse, crimes against a child, including child pornography, or for
3 a crime involving violence, including rape, sexual assault, or
4 homicide, but not including other physical assault and battery. For
5 purposes of this subdivision, crimes involving violence means
6 those violent crimes contained in clause (i) of subparagraph (A),
7 and subparagraph (B), of paragraph (1) of subdivision (g) of
8 Section 1522 of the Health and Safety Code.

9 (B) A felony conviction that occurred within the last five years
10 for physical assault, battery, or a drug- or alcohol-related offense.

11 (2) This subdivision shall become operative on October 1, 2008,
12 and shall remain operative only to the extent that compliance with
13 its provisions is required by federal law as a condition of receiving
14 funding under Title IV-E of the federal Social Security Act (42
15 U.S.C. Sec. 670 et seq.).

16 (d) Any fee charged by a law enforcement agency for
17 fingerprinting or for checking or obtaining the criminal record of
18 the applicant shall be paid by the applicant. The department, county
19 adoption agency, or licensed adoption agency may defer, waive,
20 or reduce the fee when its payment would cause economic hardship
21 to prospective adoptive parents detrimental to the welfare of the
22 adopted child, when the child has been in the foster care of the
23 prospective adoptive parents for at least one year, or if necessary
24 for the placement of a special-needs child.

25 *SEC. 10.5. Section 8712 of the Family Code is amended to*
26 *read:*

27 8712. (a) (1) The department, county adoption agency, or
28 licensed adoption agency shall require each person who files an
29 application for adoption to be fingerprinted and shall secure from
30 an appropriate law enforcement agency any criminal record of that
31 person to determine whether the person has ever been convicted
32 of a crime other than a minor traffic violation. The department,
33 county adoption agency, or licensed adoption agency may also
34 secure the person's full criminal record, ~~if any, with the exception~~
35 ~~of any convictions for which relief has been granted pursuant to~~
36 ~~Section 1203.49 of the Penal Code.~~ *any.* Any federal-level criminal
37 offender record requests to the Department of Justice shall be
38 submitted with fingerprint images and related information required
39 by the Department of Justice for the purposes of obtaining
40 information as to the existence and content of a record of an

1 out-of-state or federal conviction or arrest of a person or
2 information regarding any out-of-state or federal crimes or arrests
3 for which the Department of Justice establishes that the person is
4 free on bail, or on his or her own recognizance pending trial or
5 appeal. The Department of Justice shall forward to the Federal
6 Bureau of Investigation any requests for federal summary criminal
7 history information received pursuant to this section. The
8 Department of Justice shall review the information returned from
9 the Federal Bureau of Investigation and shall compile and
10 disseminate a response to the department, county adoption agency,
11 or licensed adoption agency.

12 (2) *The department, county adoption agency, or licensed*
13 *adoption agency may obtain arrest or conviction records or reports*
14 *from any law enforcement agency as necessary to the performance*
15 *of its duties, as provided in this section.*

16 (b) Notwithstanding subdivision (c), the criminal record, if any,
17 shall be taken into consideration when evaluating the prospective
18 adoptive parent, and an assessment of the effects of any criminal
19 history on the ability of the prospective adoptive parent to provide
20 adequate and proper care and guidance to the child shall be
21 included in the report to the court.

22 (c) (1) The department, county adoption agency, or licensed
23 adoption agency shall not give final approval for an adoptive
24 placement in any home in which the prospective adoptive parent
25 or any adult living in the prospective adoptive home has either of
26 the following:

27 (A) A felony conviction for child abuse or neglect, spousal
28 abuse, crimes against a child, including child pornography, or for
29 a crime involving violence, including rape, sexual assault, or
30 homicide, but not including other physical assault and battery. For
31 purposes of this subdivision, crimes involving violence means
32 those violent crimes contained in clause (i) of subparagraph (A),
33 and subparagraph (B), of paragraph (1) of subdivision (g) of
34 Section 1522 of the Health and Safety Code.

35 (B) A felony conviction that occurred within the last five years
36 for physical assault, battery, or a drug- or alcohol-related offense.

37 (2) This subdivision shall become operative on October 1, 2008,
38 and shall remain operative only to the extent that compliance with
39 its provisions is required by federal law as a condition of receiving

1 funding under Title IV-E of the federal Social Security Act (42
2 U.S.C. Sec. 670 et seq.).

3 (d) Any fee charged by a law enforcement agency for
4 fingerprinting or for checking or obtaining the criminal record of
5 the applicant shall be paid by the applicant. The department, county
6 adoption agency, or licensed adoption agency may defer, waive,
7 or reduce the fee when its payment would cause economic hardship
8 to prospective adoptive parents detrimental to the welfare of the
9 adopted child, when the child has been in the foster care of the
10 prospective adoptive parents for at least one year, or if necessary
11 for the placement of a special-needs child.

12 SEC. 11. Section 9201 of the Family Code is amended to read:

13 9201. (a) Except as otherwise permitted or required by statute,
14 neither the department nor a licensed adoption agency shall release
15 information that would identify persons who receive, or have
16 received, adoption services.

17 (b) Employees of the department and licensed adoption agencies
18 shall release to the department at Sacramento any requested
19 information, including identifying information, for the purposes
20 of recordkeeping and monitoring, evaluation, and regulation of
21 the provision of adoption services.

22 (c) Prior to the placement of a child for adoption, the department
23 or licensed adoption agency may, upon the written request of both
24 a birth and a prospective adoptive parent, arrange for contact
25 between these birth and prospective adoptive parents that may
26 include the sharing of identifying information regarding these
27 parents.

28 (d) The department and any licensed adoption agency may,
29 upon written authorization for the release of specified information
30 by the subject of that information, share information regarding a
31 prospective adoptive parent or birth parent with other social service
32 agencies, including the department, other licensed adoption
33 agencies, counties or licensed foster family agencies for purposes
34 of approving a resource family pursuant to subparagraph (A) of
35 paragraph (4) of subdivision (p) of Section 16519.5 of the Welfare
36 and Institutions Code, or providers of health care as defined in
37 Section 56.05 of the Civil Code.

38 (e) Notwithstanding any other law, the department and any
39 licensed adoption agency may furnish information relating to an
40 adoption petition or to a child in the custody of the department or

1 any licensed adoption agency to the juvenile court, county welfare
2 department, public welfare agency, private welfare agency licensed
3 by the department, provider of foster care services, potential
4 adoptive parent, or provider of health care as defined in Section
5 56.05 of the Civil Code, if it is believed the child's welfare will
6 be promoted thereby.

7 (f) The department and any licensed adoption agency may make
8 adoption case records, including identifying information, available
9 for research purposes, provided that the research will not result in
10 the disclosure of the identity of the child or the parties to the
11 adoption to anyone other than the entity conducting the research.

12 SEC. 12. Section 9203.1 is added to the Family Code, to read:

13 9203.1. (a) The department or a licensed adoption agency
14 shall, upon the request of a prospective adoptive parent, disclose
15 an adoption homestudy and any updates to an adoption homestudy
16 to a county or licensed foster family agency for the purpose of
17 approving the prospective adoptive parent as a resource family
18 pursuant to subparagraph (A) of paragraph (4) of subdivision (p)
19 of Section 16519.5 of the Welfare and Institutions Code.

20 (b) The department shall prescribe the form of the request
21 described in subdivision (a).

22 (c) The department or a licensed adoption agency shall respond
23 to a request made pursuant to subdivision (a) within 20 working
24 days of receiving it.

25 (d) The department or a licensed adoption agency may charge
26 a fee to cover the reasonable costs of processing requests made
27 pursuant to subdivision (a). The department or a licensed adoption
28 agency shall waive fees authorized by this subdivision for any
29 person who is receiving public assistance pursuant to Part 3
30 (commencing with Section 11000) of Division 9 of the Welfare
31 and Institutions Code.

32 SEC. 13. Section 30029.7 of the Government Code is amended
33 to read:

34 30029.7. (a) Notwithstanding any other law and to the extent
35 consistent with or required by federal law or court order, a county
36 or counties may contract directly with, or otherwise request, the
37 State Department of Health Care Services or the State Department
38 of Social Services, as applicable, to provide or administer the
39 following programs, services, or activities:

1 (1) The Drug Medi-Cal Treatment Program pursuant to Article
2 3.2 (commencing with Section 14124.20) of Chapter 7 of Part 3
3 of Division 9 of the Welfare and Institutions Code.

4 (2) Agency adoptions pursuant to Chapter 2 (commencing with
5 Section 16100) of Part 4 of Division 9 of the Welfare and
6 Institutions Code and Chapter 2 (commencing with Section 8700)
7 of Part 2 of Division 13 of the Family Code. Notwithstanding any
8 other law, a license issued pursuant to Chapter 3 (commencing
9 with Section 1500) of Division 2 of the Health and Safety Code
10 shall not be required of a county that provides agency adoption
11 program services.

12 (3) The resource family approval program pursuant to Article
13 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of
14 Division 9 of the Welfare and Institutions Code, or any portion
15 thereof.

16 (b) Nothing in paragraph (1) or (2) of subdivision (a) shall
17 prevent a county from providing funding for any of the programs,
18 services, or activities through a contract with another county, joint
19 powers agreement, or county consortium.

20 (c) (1) Contracts awarded pursuant to paragraph (1) of
21 subdivision (a) shall be exempt from the requirements of Chapter
22 1 (commencing with Section 10100) and Chapter 2 (commencing
23 with Section 10290) of Part 2 of Division 2 of the Public Contract
24 Code. Contracts with the State Department of Health Care Services
25 shall include reimbursement to the state for the cost of providing
26 the services or activities in paragraph (1) of subdivision (a), subject
27 to the terms of the contract. Those reimbursement amounts shall
28 not exceed the funding provided to counties for specified programs.

29 (2) Contracts awarded pursuant to paragraphs (2) and (3) of
30 subdivision (a) shall be exempt from the requirements of Chapter
31 1 (commencing with Section 10100) and Chapter 2 (commencing
32 with Section 10290) of Part 2 of Division 2 of the Public Contract
33 Code. Contracts with, or other requests of, the State Department
34 of Social Services shall include reimbursement to the state for the
35 costs of providing the services or activities in paragraph (2) or (3)
36 of subdivision (a).

37 SEC. 14. Section 1501.1 of the Health and Safety Code is
38 amended to read:

39 1501.1. (a) It is the policy of the state to facilitate the proper
40 placement of every child in residential care facilities where the

1 placement is in the best interests of the child. A county may require
2 placement or licensing agencies, or both placement and licensing
3 agencies, to actively seek out-of-home care facilities capable of
4 meeting the varied needs of the child. Therefore, in placing children
5 in out-of-home care, particular attention should be given to the
6 individual child's needs, the ability of the facility to meet those
7 needs, the needs of other children in the facility, the licensing
8 requirements of the facility as determined by the licensing agency,
9 and the impact of the placement on the family reunification plan.

10 (b) Pursuant to this section, children with varying designations
11 and varying needs, including, on and after January 1, 2012,
12 nonminor dependents, as defined in subdivision (v) of Section
13 11400 of the Welfare and Institutions Code, except as provided
14 by statute, may be placed in the same facility provided the facility
15 is licensed, complies with all licensing requirements relevant to
16 the protection of the child, and has a special permit, if necessary,
17 to meet the needs of each child so placed. A facility may not
18 require, as a condition of placement, that a child be identified as
19 an individual with exceptional needs as defined by Section 56026
20 of the Education Code.

21 (c) Neither the requirement for any license nor any regulation
22 shall restrict the implementation of the provisions of this section.
23 Implementation of this section does not obviate the requirement
24 for a facility to be licensed by the department.

25 (d) Pursuant to this section, children with varying designations
26 and varying needs, including, on and after January 1, 2012,
27 nonminor dependents, as defined in subdivision (v) of Section
28 11400 of the Welfare and Institutions Code, except as provided
29 by statute, may be placed in the same licensed foster family home
30 or with a foster family agency for subsequent placement in a
31 certified family home or with a resource family. Children, including
32 nonminor dependents, with developmental disabilities, mental
33 disorders, or physical disabilities may be placed in licensed foster
34 family homes or certified family homes or with resource families,
35 provided that an appraisal of the child's or nonminor dependent's
36 needs and the ability of the receiving home to meet those needs is
37 made jointly by the placement agency and the licensee in the case
38 of licensed foster family homes or the placement agency and the
39 foster family agency in the case of certified family homes or
40 resource families, and is followed by written confirmation prior

1 to placement. The appraisal shall confirm that the placement poses
2 no threat to any child in the home.

3 (e) (1) For purposes of this chapter, the placing of children by
4 foster family agencies shall be referred to as “subsequent
5 placement” to distinguish the activity from the placing by public
6 agencies.

7 (2) For purposes of this chapter, and unless otherwise specified,
8 references to a “child” shall include a “nonminor dependent” and
9 “nonminor former dependent or ward” as those terms are defined
10 in subdivision (v) and paragraph (1) of subdivision (aa) of Section
11 11400 of the Welfare and Institutions Code.

12 SEC. 15. Section 1502 of the Health and Safety Code is
13 amended to read:

14 1502. As used in this chapter:

15 (a) “Community care facility” means any facility, place, or
16 building that is maintained and operated to provide nonmedical
17 residential care, day treatment, adult day care, or foster family
18 agency services for children, adults, or children and adults,
19 including, but not limited to, the physically handicapped, mentally
20 impaired, incompetent persons, and abused or neglected children,
21 and includes the following:

22 (1) “Residential facility” means any family home, group care
23 facility, or similar facility determined by the department, for
24 24-hour nonmedical care of persons in need of personal services,
25 supervision, or assistance essential for sustaining the activities of
26 daily living or for the protection of the individual.

27 (2) “Adult day program” means any community-based facility
28 or program that provides care to persons 18 years of age or older
29 in need of personal services, supervision, or assistance essential
30 for sustaining the activities of daily living or for the protection of
31 these individuals on less than a 24-hour basis.

32 (3) “Therapeutic day services facility” means any facility that
33 provides nonmedical care, counseling, educational or vocational
34 support, or social rehabilitation services on less than a 24-hour
35 basis to persons under 18 years of age who would otherwise be
36 placed in foster care or who are returning to families from foster
37 care. Program standards for these facilities shall be developed by
38 the department, pursuant to Section 1530, in consultation with
39 therapeutic day services and foster care providers.

1 (4) “Foster family agency” means any public agency or private
2 organization, organized and operated on a nonprofit basis, engaged
3 in any of the following:

4 (A) Recruiting, certifying, approving, and training of, and
5 providing professional support to, foster parents and resource
6 families.

7 (B) Coordinating with county placing agencies to find homes
8 for foster children in need of care.

9 (C) Providing services and supports to licensed or certified
10 foster parents, county-approved resource families, and children to
11 the extent authorized by state and federal law.

12 (5) “Foster family home” means any residential facility
13 providing 24-hour care for six or fewer foster children that is
14 owned, leased, or rented and is the residence of the foster parent
15 or parents, including their family, in whose care the foster children
16 have been placed. The placement may be by a public or private
17 child placement agency or by a court order, or by voluntary
18 placement by a parent, parents, or guardian. It also means a foster
19 family home described in Section 1505.2.

20 (6) “Small family home” means any residential facility, in the
21 licensee’s family residence, that provides 24-hour care for six or
22 fewer foster children who have mental disorders or developmental
23 or physical disabilities and who require special care and supervision
24 as a result of their disabilities. A small family home may accept
25 children with special health care needs, pursuant to subdivision
26 (a) of Section 17710 of the Welfare and Institutions Code. In
27 addition to placing children with special health care needs, the
28 department may approve placement of children without special
29 health care needs, up to the licensed capacity.

30 (7) “Social rehabilitation facility” means any residential facility
31 that provides social rehabilitation services for no longer than 18
32 months in a group setting to adults recovering from mental illness
33 who temporarily need assistance, guidance, or counseling. Program
34 components shall be subject to program standards pursuant to
35 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
36 2 of Division 5 of the Welfare and Institutions Code.

37 (8) “Community treatment facility” means any residential
38 facility that provides mental health treatment services to children
39 in a group setting and that has the capacity to provide secure
40 containment. Program components shall be subject to program

standards developed and enforced by the State Department of Health Care Services pursuant to Section 4094 of the Welfare and Institutions Code.

Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

(9) "Full-service adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.

(B) Assesses the birth parents, prospective adoptive parents, or child.

(C) Places children for adoption.

(D) Supervises adoptive placements.

Private full-service adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a full-service adoption agency shall be accredited and in good standing according to Part 96 of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(10) "Noncustodial adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assesses the prospective adoptive parents.

(B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.

(C) Cooperatively supervises adoptive placements with a full-service adoption agency, but does not disrupt a placement or remove a child from a placement.

Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a noncustodial adoption agency shall be accredited and in good standing according to Part 96 of

1 Title 22 of the Code of Federal Regulations, or supervised by an
2 accredited primary provider, or acting as an exempted provider,
3 in compliance with Subpart F (commencing with Section 96.29)
4 of Part 96 of Title 22 of the Code of Federal Regulations.

5 (11) “Transitional shelter care facility” means any group care
6 facility that provides for 24-hour nonmedical care of persons in
7 need of personal services, supervision, or assistance essential for
8 sustaining the activities of daily living or for the protection of the
9 individual. Program components shall be subject to program
10 standards developed by the State Department of Social Services
11 pursuant to Section 1502.3.

12 (12) “Transitional housing placement provider” means an
13 organization licensed by the department pursuant to Section
14 1559.110 and Section 16522.1 of the Welfare and Institutions Code
15 to provide transitional housing to foster children at least 16 years
16 of age and not more than 18 years of age, and nonminor
17 dependents, as defined in subdivision (v) of Section 11400 of the
18 Welfare and Institutions Code, to promote their transition to
19 adulthood. A transitional housing placement provider shall be
20 privately operated and organized on a nonprofit basis.

21 (13) “Group home” means a residential facility that provides
22 24-hour care and supervision to children, delivered at least in part
23 by staff employed by the licensee in a structured environment. The
24 care and supervision provided by a group home shall be
25 nonmedical, except as otherwise permitted by law.

26 (14) “Runaway and homeless youth shelter” means a group
27 home licensed by the department to operate a program pursuant
28 to Section 1502.35 to provide voluntary, ~~short-term~~, *short-term*
29 shelter and personal services to runaway youth or homeless youth,
30 as defined in paragraph (2) of subdivision (a) of Section 1502.35.

31 (15) “Enhanced behavioral supports home” means a facility
32 certified by the State Department of Developmental Services
33 pursuant to Article 3.6 (commencing with Section 4684.80) of
34 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
35 and licensed by the State Department of Social Services as an adult
36 residential facility or a group home that provides 24-hour
37 nonmedical care to individuals with developmental disabilities
38 who require enhanced behavioral supports, staffing, and
39 supervision in a homelike setting. An enhanced behavioral supports
40 home shall have a maximum capacity of four consumers, shall

1 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
2 Regulations, and shall be eligible for federal Medicaid home- and
3 community-based services funding.

4 (16) “Community crisis home” means a facility certified by the
5 State Department of Developmental Services pursuant to Article
6 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
7 of the Welfare and Institutions Code, and licensed by the State
8 Department of Social Services pursuant to Article 9.7 (commencing
9 with Section 1567.80), as an adult residential facility, providing
10 24-hour nonmedical care to individuals with developmental
11 disabilities receiving regional center service, in need of crisis
12 intervention services, and who would otherwise be at risk of
13 admission to the acute crisis center at Fairview Developmental
14 Center, Sonoma Developmental Center, an acute general hospital,
15 acute psychiatric hospital, an institution for mental disease, as
16 described in Part 5 (commencing with Section 5900) of Division
17 5 of the Welfare and Institutions Code, or an out-of-state
18 placement. A community crisis home shall have a maximum
19 capacity of eight consumers, as defined in subdivision (a) of
20 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
21 42 of the Code of Federal Regulations, and shall be eligible for
22 federal Medicaid home- and community-based services funding.

23 (17) “Crisis nursery” means a facility licensed by the department
24 to operate a program pursuant to Section 1516 to provide short-term
25 care and supervision for children under six years of age who are
26 voluntarily placed for temporary care by a parent or legal guardian
27 due to a family crisis or stressful situation.

28 (18) “Short-term residential therapeutic program” means a
29 residential facility operated by a public agency or private
30 organization and licensed by the department pursuant to Section
31 1562.01 that provides an integrated program of specialized and
32 intensive care and supervision, services and supports, treatment,
33 ~~and short-term, short-term~~ 24-hour care and supervision to children.
34 The care and supervision provided by a short-term residential
35 therapeutic program shall be nonmedical, except as otherwise
36 permitted by law. Private short-term residential therapeutic
37 programs shall be organized and operated on a nonprofit basis.

38 (b) “Department” or “state department” means the State
39 Department of Social Services.

40 (c) “Director” means the Director of Social Services.

1 *SEC. 15.1. Section 1502 of the Health and Safety Code is*
2 *amended to read:*

3 1502. (a) As used in this chapter:

4 ~~(a)~~

5 (1) “Community care facility” means any facility, place, or
6 building that is maintained and operated to provide nonmedical
7 residential care, day treatment, adult day care, or foster family
8 agency services for children, adults, or children and adults,
9 including, but not limited to, the physically handicapped, mentally
10 impaired, incompetent persons, and abused or neglected children,
11 and includes the following:

12 ~~(1)~~

13 (A) “Residential facility” means any family home, group care
14 facility, or similar facility determined by the ~~director~~, *department*
15 for 24-hour nonmedical care of persons in need of personal
16 services, supervision, or assistance essential for sustaining the
17 activities of daily living or for the protection of the individual.

18 ~~(2)~~

19 (B) “Adult day program” means any community-based facility
20 or program that provides care to persons 18 years of age or older
21 in need of personal services, supervision, or assistance essential
22 for sustaining the activities of daily living or for the protection of
23 these individuals on less than a 24-hour basis.

24 ~~(3)~~

25 (C) “Therapeutic day services facility” means any facility that
26 provides nonmedical care, counseling, educational or vocational
27 support, or social rehabilitation services on less than a 24-hour
28 basis to persons under 18 years of age who would otherwise be
29 placed in foster care or who are returning to families from foster
30 care. Program standards for these facilities shall be developed by
31 the department, pursuant to Section 1530, in consultation with
32 therapeutic day services and foster care providers.

33 ~~(4)~~

34 (D) “Foster family agency” means any public agency or private
35 ~~organization engaged in the recruiting, certifying, and training of,~~
36 ~~and providing professional support to, foster parents, or in finding~~
37 ~~homes or other places for placement of children for temporary or~~
38 ~~permanent care who require that level of care. Private foster family~~
39 ~~agencies shall be organized and operated on a nonprofit basis.~~

1 *organization, organized and operated on a nonprofit basis,*
2 *engaged in any of the following:*

3 *(i) Recruiting, certifying, approving, and training of, and*
4 *providing professional support to, foster parents and resource*
5 *families.*

6 *(ii) Coordinating with county placing agencies to find homes*
7 *for foster children in need of care.*

8 *(iii) Providing services and supports to licensed or certified*
9 *foster parents, county-approved resource families, and children*
10 *to the extent authorized by state and federal law.*

11 ~~(5)~~

12 *(E) “Foster family home” means any residential facility*
13 *providing 24-hour care for six or fewer foster children that is*
14 *owned, leased, or rented and is the residence of the foster parent*
15 *or parents, including their family, in whose care the foster children*
16 *have been placed. The placement may be by a public or private*
17 *child placement agency or by a court order, or by voluntary*
18 *placement by a parent, parents, or guardian. It also means a foster*
19 *family home described in Section 1505.2.*

20 ~~(6)~~

21 *(F) “Small family home” means any residential facility, in the*
22 *licensee’s family residence, that provides 24-hour care for six or*
23 *fewer foster children who have mental disorders or developmental*
24 *or physical disabilities and who require special care and supervision*
25 *as a result of their disabilities. A small family home may accept*
26 *children with special health care needs, pursuant to subdivision*
27 *(a) of Section 17710 of the Welfare and Institutions Code. In*
28 *addition to placing children with special health care needs, the*
29 *department may approve placement of children without special*
30 *health care needs, up to the licensed capacity.*

31 ~~(7)~~

32 *(G) “Social rehabilitation facility” means any residential facility*
33 *that provides social rehabilitation services for no longer than 18*
34 *months in a group setting to adults recovering from mental illness*
35 *who temporarily need assistance, guidance, or counseling. Program*
36 *components shall be subject to program standards pursuant to*
37 *Article 1 (commencing with Section 5670) of Chapter 2.5 of Part*
38 *2 of Division 5 of the Welfare and Institutions Code.*

39 ~~(8)~~

1 (H) “Community treatment facility” means any residential
2 facility that provides mental health treatment services to children
3 in a group setting and that has the capacity to provide secure
4 containment. Program components shall be subject to program
5 standards developed and enforced by the State Department of
6 Health Care Services pursuant to Section 4094 of the Welfare and
7 Institutions Code.

8 ~~Nothing in this section shall be construed to prohibit or~~
9 ~~discourage placement of persons who have mental or physical~~
10 ~~disabilities into any category of community care facility that meets~~
11 ~~the needs of the individual placed, if the placement is consistent~~
12 ~~with the licensing regulations of the department.~~

13 ~~(9)~~

14 (I) (i) “Full-service adoption agency” means any licensed entity
15 engaged in the business of providing adoption services, that does
16 all of the following:

17 ~~(A)~~

18 (I) Assumes care, custody, and control of a child through
19 relinquishment of the child to the agency or involuntary termination
20 of parental rights to the child.

21 ~~(B)~~

22 (II) Assesses the birth parents, prospective adoptive parents, or
23 child.

24 ~~(C)~~

25 (III) Places children for adoption.

26 ~~(D)~~

27 (IV) Supervises adoptive placements.

28 (ii) Private full-service adoption agencies shall be organized
29 and operated on a nonprofit basis. As a condition of licensure to
30 provide intercountry adoption services, a full-service adoption
31 agency shall be accredited and in good standing according to Part
32 96 of Title 22 of the Code of Federal Regulations, or supervised
33 by an accredited primary provider, or acting as an exempted
34 provider, in compliance with Subpart F (commencing with Section
35 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

36 ~~(10)~~

37 (J) (i) “Noncustodial adoption agency” means any licensed
38 entity engaged in the business of providing adoption services, that
39 does all of the following:

40 ~~(A)~~

1 (I) Assesses the prospective adoptive parents.

2 ~~(B)~~

3 (II) Cooperatively matches children freed for adoption, who are
4 under the care, custody, and control of a licensed adoption agency,
5 for adoption, with assessed and approved adoptive applicants.

6 ~~(C)~~

7 (III) Cooperatively supervises adoptive placements with a
8 full-service ~~adoptive~~ adoption agency, but does not disrupt a
9 placement or remove a child from a placement.

10 ~~Private~~

11 (ii) *Private* noncustodial adoption agencies shall be organized
12 and operated on a nonprofit basis. As a condition of licensure to
13 provide intercountry adoption services, a noncustodial adoption
14 agency shall be accredited and in good standing according to Part
15 96 of Title 22 of the Code of Federal Regulations, or supervised
16 by an accredited primary provider, or acting as an exempted
17 provider, in compliance with Subpart F (commencing with Section
18 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

19 ~~(H)~~

20 (K) “Transitional shelter care facility” means any group care
21 facility that provides for 24-hour nonmedical care of persons in
22 need of personal services, supervision, or assistance essential for
23 sustaining the activities of daily living or for the protection of the
24 individual. Program components shall be subject to program
25 standards developed by the State Department of Social Services
26 pursuant to Section 1502.3.

27 ~~(I2)~~

28 (L) “Transitional housing placement provider” means an
29 organization licensed by the department pursuant to Section
30 1559.110 and Section 16522.1 of the Welfare and Institutions Code
31 to provide transitional housing to foster children at least 16 years
32 of age and not more than 18 years of age, and nonminor
33 dependents, as defined in subdivision (v) of Section 11400 of the
34 Welfare and Institutions Code, to promote their transition to
35 adulthood. A transitional housing placement provider shall be
36 privately operated and organized on a nonprofit basis.

37 ~~(I3)~~

38 (M) “Group home” means a residential facility that provides
39 24-hour care and supervision to children, delivered at least in part
40 by staff employed by the licensee in a structured environment. The

1 care and supervision provided by a group home shall be
2 nonmedical, except as otherwise permitted by law.

3 ~~(14)~~

4 (N) “Runaway and homeless youth shelter” means a group home
5 licensed by the department to operate a program pursuant to Section
6 1502.35 to provide voluntary, ~~short-term~~, *short-term* shelter and
7 personal services to runaway youth or homeless youth, as defined
8 in paragraph (2) of subdivision (a) of Section 1502.35.

9 ~~(15)~~

10 (O) “Enhanced behavioral supports home” means a facility
11 certified by the State Department of Developmental Services
12 pursuant to Article 3.6 (commencing with Section 4684.80) of
13 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
14 and licensed by the State Department of Social Services as an adult
15 residential facility or a group home that provides 24-hour
16 nonmedical care to individuals with developmental disabilities
17 who require enhanced behavioral supports, staffing, and
18 supervision in a homelike setting. An enhanced behavioral supports
19 home shall have a maximum capacity of four consumers, shall
20 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
21 Regulations, and shall be eligible for federal Medicaid home- and
22 community-based services funding.

23 ~~(16)~~

24 (P) “Community crisis home” means a facility certified by the
25 State Department of Developmental Services pursuant to Article
26 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
27 of the Welfare and Institutions Code, and licensed by the State
28 Department of Social Services pursuant to Article 9.7 (commencing
29 with Section 1567.80), as an adult residential facility, providing
30 24-hour nonmedical care to individuals with developmental
31 disabilities receiving regional center service, in need of crisis
32 intervention services, and who would otherwise be at risk of
33 admission to the acute crisis center at Fairview Developmental
34 Center, Sonoma Developmental Center, an acute general hospital,
35 acute psychiatric hospital, an institution for mental disease, as
36 described in Part 5 (commencing with Section 5900) of Division
37 5 of the Welfare and Institutions Code, or an out-of-state
38 placement. A community crisis home shall have a maximum
39 capacity of eight consumers, as defined in subdivision (a) of
40 Section 1567.80, shall conform to Section 441.530(a)(1) of Title

42 of the Code of Federal Regulations, and shall be eligible for federal Medicaid home- and community-based services funding.

(17)

(Q) “Crisis nursery” means a facility licensed by the department to operate a program pursuant to Section 1516 to provide short-term care and supervision for children under six years of age who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation.

(18)

(R) “Short-term residential ~~treatment center~~” *therapeutic program* means a residential facility *operated by a public agency or private organization and* licensed by the department pursuant to Section 1562.01 ~~and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term 24-hour care and supervision to children.~~ The care and supervision provided by a short-term residential ~~treatment center~~ *therapeutic program* shall be nonmedical, except as otherwise permitted by law. *Private short-term residential therapeutic programs shall be organized and operated on a nonprofit basis. A short-term residential therapeutic program may be operated as a children’s crisis residential center.*

(S) “Children’s crisis residential center” means a short-term residential *therapeutic program operated specifically to divert children experiencing a mental health crisis from psychiatric hospitalization.*

(b)

(2) “Department” or “state department” means the State Department of Social Services.

(c)

(3) “Director” means the Director of Social Services.

(b) *Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.*

SEC. 15.2. Section 1502 of the Health and Safety Code is amended to read:

1502. As used in this chapter:

(a) “Community care facility” means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

(1) “Residential facility” means any family home, group care facility, or similar facility determined by the ~~director~~, *department*, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) “Adult day program” means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

(3) “Therapeutic day services facility” means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

(4) “Foster family agency” means any public agency or private ~~organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care. Private foster family agencies shall be organized and operated on a nonprofit basis.~~ *organization, organized and operated on a nonprofit basis, engaged in any of the following:*

(A) *Recruiting, certifying, approving, and training of, and providing professional support to, foster parents and resource families.*

(B) *Coordinating with county placing agencies to find homes for foster children in need of care.*

1 (C) *Providing services and supports to licensed or certified*
2 *foster parents, county-approved resource families, and children*
3 *to the extent authorized by state and federal law.*

4 (5) “Foster family home” means any residential facility
5 providing 24-hour care for six or fewer foster children that is
6 owned, leased, or rented and is the residence of the foster parent
7 or parents, including their family, in whose care the foster children
8 have been placed. The placement may be by a public or private
9 child placement agency or by a court order, or by voluntary
10 placement by a parent, parents, or guardian. It also means a foster
11 family home described in Section 1505.2.

12 (6) “Small family home” means any residential facility, in the
13 licensee’s family residence, that provides 24-hour care for six or
14 fewer foster children who have mental disorders or developmental
15 or physical disabilities and who require special care and supervision
16 as a result of their disabilities. A small family home may accept
17 children with special health care needs, pursuant to subdivision
18 (a) of Section 17710 of the Welfare and Institutions Code. In
19 addition to placing children with special health care needs, the
20 department may approve placement of children without special
21 health care needs, up to the licensed capacity.

22 (7) “Social rehabilitation facility” means any residential facility
23 that provides social rehabilitation services for no longer than 18
24 months in a group setting to adults recovering from mental illness
25 who temporarily need assistance, guidance, or counseling. Program
26 components shall be subject to program standards pursuant to
27 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
28 2 of Division 5 of the Welfare and Institutions Code.

29 (8) “Community treatment facility” means any residential
30 facility that provides mental health treatment services to children
31 in a group setting and that has the capacity to provide secure
32 containment. Program components shall be subject to program
33 standards developed and enforced by the State Department of
34 Health Care Services pursuant to Section 4094 of the Welfare and
35 Institutions Code.

36 Nothing in this section shall be construed to prohibit or
37 discourage placement of persons who have mental or physical
38 disabilities into any category of community care facility that meets
39 the needs of the individual placed, if the placement is consistent
40 with the licensing regulations of the department.

(9) “Full-service adoption agency” means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.

(B) Assesses the birth parents, prospective adoptive parents, or child.

(C) Places children for adoption.

(D) Supervises adoptive placements.

Private full-service adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a full-service adoption agency shall be accredited and in good standing according to Part 96 of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(10) “Noncustodial adoption agency” means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assesses the prospective adoptive parents.

(B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.

(C) Cooperatively supervises ~~adoptive~~ *adoption* placements with a full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.

Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a noncustodial adoption agency shall be accredited and in good standing according to Part 96 of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(11) “Transitional shelter care facility” means any group care facility that provides for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the

1 individual. Program components shall be subject to program
2 standards developed by the State Department of Social Services
3 pursuant to Section 1502.3.

4 (12) “Transitional housing placement provider” means an
5 organization licensed by the department pursuant to Section
6 1559.110 and Section 16522.1 of the Welfare and Institutions Code
7 to provide transitional housing to foster children at least 16 years
8 of age and not more than 18 years of age, and nonminor
9 dependents, as defined in subdivision (v) of Section 11400 of the
10 Welfare and Institutions Code, to promote their transition to
11 adulthood. A transitional housing placement provider shall be
12 privately operated and organized on a nonprofit basis.

13 (13) “Group home” means a residential facility that provides
14 24-hour care and supervision to children, delivered at least in part
15 by staff employed by the licensee in a structured environment. The
16 care and supervision provided by a group home shall be
17 nonmedical, except as otherwise permitted by law.

18 (14) “Runaway and homeless youth shelter” means a group
19 home licensed by the department to operate a program pursuant
20 to Section 1502.35 to provide voluntary, ~~short-term~~, *short-term*
21 shelter and personal services to runaway youth or homeless youth,
22 as defined in paragraph (2) of subdivision (a) of Section 1502.35.

23 (15) “Enhanced behavioral supports home” means a facility
24 certified by the State Department of Developmental Services
25 pursuant to Article 3.6 (commencing with Section 4684.80) of
26 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
27 and licensed by the State Department of Social Services as an adult
28 residential facility or a group home that provides 24-hour
29 nonmedical care to individuals with developmental disabilities
30 who require enhanced behavioral supports, staffing, and
31 supervision in a homelike setting. An enhanced behavioral supports
32 home shall have a maximum capacity of four consumers, shall
33 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
34 Regulations, and shall be eligible for federal Medicaid home- and
35 community-based services funding.

36 (16) “Community crisis home” means a facility certified by the
37 State Department of Developmental Services pursuant to Article
38 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
39 of the Welfare and Institutions Code, and licensed by the State
40 Department of Social Services pursuant to Article 9.7 (commencing

1 with Section 1567.80), as an adult residential facility, providing
2 24-hour nonmedical care to individuals with developmental
3 disabilities receiving regional center service, in need of crisis
4 intervention services, and who would otherwise be at risk of
5 admission to the acute crisis center at Fairview Developmental
6 Center, Sonoma Developmental Center, an acute general hospital,
7 acute psychiatric hospital, an institution for mental disease, as
8 described in Part 5 (commencing with Section 5900) of Division
9 5 of the Welfare and Institutions Code, or an out-of-state
10 placement. A community crisis home shall have a maximum
11 capacity of eight consumers, as defined in subdivision (a) of
12 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
13 42 of the Code of Federal Regulations, and shall be eligible for
14 federal Medicaid home- and community-based services funding.

15 (17) "Crisis nursery" means a facility licensed by the department
16 to operate a program pursuant to Section 1516 to provide short-term
17 care and supervision for children under six years of age who are
18 voluntarily placed for temporary care by a parent or legal guardian
19 due to a family crisis or stressful situation.

20 (18) "~~Short-term residential treatment center~~" *therapeutic*
21 *program*" means a residential facility *operated by a public agency*
22 *or private organization and* licensed by the department pursuant
23 to Section 1562.01 ~~and operated by any public agency or private~~
24 ~~organization that provides short-term, specialized, and intensive~~
25 ~~treatment, and that provides an integrated program of specialized~~
26 *and intensive care and supervision, services and supports,*
27 *treatment, and short-term 24-hour care and supervision to children.*
28 The care and supervision provided by a short-term residential
29 ~~treatment center~~ *therapeutic program* shall be nonmedical, except
30 as otherwise permitted by law. *Private short-term residential*
31 *therapeutic programs shall be organized and operated on a*
32 *nonprofit basis.*

33 (19) "Private alternative boarding school" means a group home
34 licensed by the department to operate a program pursuant to
35 Section 1502.2 to provide youth with 24-hour residential care and
36 supervision, which, in addition to providing educational services
37 to youth, provides, or holds itself out as providing,
38 behavioral-based services to youth with social, emotional, or
39 behavioral issues. The care and supervision provided by a private

1 *alternative boarding school shall be nonmedical, except as*
2 *otherwise permitted by law.*

3 (20) *“Private alternative outdoor program” means a group*
4 *home licensed by the department to operate a program pursuant*
5 *to Section 1502.21 to provide youth with 24-hour residential care*
6 *and supervision, which provides, or holds itself out as providing,*
7 *behavioral-based services in an outdoor living setting to youth*
8 *with social, emotional, or behavioral issues. The care and*
9 *supervision provided by a private alternative outdoor program*
10 *shall be nonmedical, except as otherwise permitted by law.*

11 (b) *“Department” or “state department” means the State*
12 *Department of Social Services.*

13 (c) *“Director” means the Director of Social Services.*

14 *SEC. 15.3. Section 1502 of the Health and Safety Code is*
15 *amended to read:*

16 1502. (a) As used in this chapter:

17 ~~(a)~~

18 (1) *“Community care facility” means any facility, place, or*
19 *building that is maintained and operated to provide nonmedical*
20 *residential care, day treatment, adult day care, or foster family*
21 *agency services for children, adults, or children and adults,*
22 *including, but not limited to, the physically handicapped, mentally*
23 *impaired, incompetent persons, and abused or neglected children,*
24 *and includes the following:*

25 ~~(1)~~

26 (A) *“Residential facility” means any family home, group care*
27 *facility, or similar facility determined by the ~~director,~~ department,*
28 *for 24-hour nonmedical care of persons in need of personal*
29 *services, supervision, or assistance essential for sustaining the*
30 *activities of daily living or for the protection of the individual.*

31 ~~(2)~~

32 (B) *“Adult day program” means any community-based facility*
33 *or program that provides care to persons 18 years of age or older*
34 *in need of personal services, supervision, or assistance essential*
35 *for sustaining the activities of daily living or for the protection of*
36 *these individuals on less than a 24-hour basis.*

37 ~~(3)~~

38 (C) *“Therapeutic day services facility” means any facility that*
39 *provides nonmedical care, counseling, educational or vocational*
40 *support, or social rehabilitation services on less than a 24-hour*

1 basis to persons under 18 years of age who would otherwise be
2 placed in foster care or who are returning to families from foster
3 care. Program standards for these facilities shall be developed by
4 the department, pursuant to Section 1530, in consultation with
5 therapeutic day services and foster care providers.

6 ~~(4)~~

7 (D) “Foster family agency” means any public agency or private
8 ~~organization engaged in the recruiting, certifying, and training of,~~
9 ~~and providing professional support to, foster parents, or in finding~~
10 ~~homes or other places for placement of children for temporary or~~
11 ~~permanent care who require that level of care. Private foster family~~
12 ~~agencies shall be organized and operated on a nonprofit basis.~~
13 *organization, organized and operated on a nonprofit basis,*
14 *engaged in any of the following:*

15 *(i) Recruiting, certifying, approving, and training of, and*
16 *providing professional support to, foster parents and resource*
17 *families.*

18 *(ii) Coordinating with county placing agencies to find homes*
19 *for foster children in need of care.*

20 *(iii) Providing services and supports to licensed or certified*
21 *foster parents, county-approved resource families, and children*
22 *to the extent authorized by state and federal law.*

23 ~~(5)~~

24 (E) “Foster family home” means any residential facility
25 providing 24-hour care for six or fewer foster children that is
26 owned, leased, or rented and is the residence of the foster parent
27 or parents, including their family, in whose care the foster children
28 have been placed. The placement may be by a public or private
29 child placement agency or by a court order, or by voluntary
30 placement by a parent, parents, or guardian. It also means a foster
31 family home described in Section 1505.2.

32 ~~(6)~~

33 (F) “Small family home” means any residential facility, in the
34 licensee’s family residence, that provides 24-hour care for six or
35 fewer foster children who have mental disorders or developmental
36 or physical disabilities and who require special care and supervision
37 as a result of their disabilities. A small family home may accept
38 children with special health care needs, pursuant to subdivision
39 (a) of Section 17710 of the Welfare and Institutions Code. In
40 addition to placing children with special health care needs, the

1 department may approve placement of children without special
2 health care needs, up to the licensed capacity.

3 ~~(7)~~

4 (G) “Social rehabilitation facility” means any residential facility
5 that provides social rehabilitation services for no longer than 18
6 months in a group setting to adults recovering from mental illness
7 who temporarily need assistance, guidance, or counseling. Program
8 components shall be subject to program standards pursuant to
9 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
10 2 of Division 5 of the Welfare and Institutions Code.

11 ~~(8)~~

12 (H) “Community treatment facility” means any residential
13 facility that provides mental health treatment services to children
14 in a group setting and that has the capacity to provide secure
15 containment. Program components shall be subject to program
16 standards developed and enforced by the State Department of
17 Health Care Services pursuant to Section 4094 of the Welfare and
18 Institutions Code.

19 ~~Nothing in this section shall be construed to prohibit or~~
20 ~~discourage placement of persons who have mental or physical~~
21 ~~disabilities into any category of community care facility that meets~~
22 ~~the needs of the individual placed, if the placement is consistent~~
23 ~~with the licensing regulations of the department.~~

24 ~~(9)~~

25 (I) (i) “Full-service adoption agency” means any licensed entity
26 engaged in the business of providing adoption services, that does
27 all of the following:

28 ~~(A)~~

29 (I) Assumes care, custody, and control of a child through
30 relinquishment of the child to the agency or involuntary termination
31 of parental rights to the child.

32 ~~(B)~~

33 (II) Assesses the birth parents, prospective adoptive parents, or
34 child.

35 ~~(C)~~

36 (III) Places children for adoption.

37 ~~(D)~~

38 (IV) Supervises adoptive placements.

39 (ii) Private full-service adoption agencies shall be organized
40 and operated on a nonprofit basis. As a condition of licensure to

1 provide intercountry adoption services, a full-service adoption
2 agency shall be accredited and in good standing according to Part
3 96 of Title 22 of the Code of Federal Regulations, or supervised
4 by an accredited primary provider, or acting as an exempted
5 provider, in compliance with Subpart F (commencing with Section
6 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

7 ~~(10)~~

8 (J) (i) “Noncustodial adoption agency” means any licensed
9 entity engaged in the business of providing adoption services, that
10 does all of the following:

11 ~~(A)~~

12 (I) Assesses the prospective adoptive parents.

13 ~~(B)~~

14 (II) Cooperatively matches children freed for adoption, who are
15 under the care, custody, and control of a licensed adoption agency,
16 for adoption, with assessed and approved adoptive applicants.

17 ~~(C)~~

18 (III) Cooperatively supervises adoptive placements with a
19 full-service ~~adoptive~~ adoption agency, but does not disrupt a
20 placement or remove a child from a placement.

21 (ii) Private noncustodial adoption agencies shall be organized
22 and operated on a nonprofit basis. As a condition of licensure to
23 provide intercountry adoption services, a noncustodial adoption
24 agency shall be accredited and in good standing according to Part
25 96 of Title 22 of the Code of Federal Regulations, or supervised
26 by an accredited primary provider, or acting as an exempted
27 provider, in compliance with Subpart F (commencing with Section
28 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

29 ~~(11)~~

30 (K) “Transitional shelter care facility” means any group care
31 facility that provides for 24-hour nonmedical care of persons in
32 need of personal services, supervision, or assistance essential for
33 sustaining the activities of daily living or for the protection of the
34 individual. Program components shall be subject to program
35 standards developed by the State Department of Social Services
36 pursuant to Section 1502.3.

37 ~~(12)~~

38 (L) “Transitional housing placement provider” means an
39 organization licensed by the department pursuant to Section
40 1559.110 and Section 16522.1 of the Welfare and Institutions Code

1 to provide transitional housing to foster children at least 16 years
2 of age and not more than 18 years of age, and nonminor
3 dependents, as defined in subdivision (v) of Section 11400 of the
4 Welfare and Institutions Code, to promote their transition to
5 adulthood. A transitional housing placement provider shall be
6 privately operated and organized on a nonprofit basis.

7 ~~(13)~~

8 (M) “Group home” means a residential facility that provides
9 24-hour care and supervision to children, delivered at least in part
10 by staff employed by the licensee in a structured environment. The
11 care and supervision provided by a group home shall be
12 nonmedical, except as otherwise permitted by law.

13 ~~(14)~~

14 (N) “Runaway and homeless youth shelter” means a group home
15 licensed by the department to operate a program pursuant to Section
16 1502.35 to provide voluntary, ~~short-term~~, *short-term* shelter and
17 personal services to runaway youth or homeless youth, as defined
18 in paragraph (2) of subdivision (a) of Section 1502.35.

19 ~~(15)~~

20 (O) “Enhanced behavioral supports home” means a facility
21 certified by the State Department of Developmental Services
22 pursuant to Article 3.6 (commencing with Section 4684.80) of
23 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
24 and licensed by the State Department of Social Services as an adult
25 residential facility or a group home that provides 24-hour
26 nonmedical care to individuals with developmental disabilities
27 who require enhanced behavioral supports, staffing, and
28 supervision in a homelike setting. An enhanced behavioral supports
29 home shall have a maximum capacity of four consumers, shall
30 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
31 Regulations, and shall be eligible for federal Medicaid home- and
32 community-based services funding.

33 ~~(16)~~

34 (P) “Community crisis home” means a facility certified by the
35 State Department of Developmental Services pursuant to Article
36 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
37 of the Welfare and Institutions Code, and licensed by the State
38 Department of Social Services pursuant to Article 9.7 (commencing
39 with Section 1567.80), as an adult residential facility, providing
40 24-hour nonmedical care to individuals with developmental

1 disabilities receiving regional center service, in need of crisis
2 intervention services, and who would otherwise be at risk of
3 admission to the acute crisis center at Fairview Developmental
4 Center, Sonoma Developmental Center, an acute general hospital,
5 acute psychiatric hospital, an institution for mental disease, as
6 described in Part 5 (commencing with Section 5900) of Division
7 5 of the Welfare and Institutions Code, or an out-of-state
8 placement. A community crisis home shall have a maximum
9 capacity of eight consumers, as defined in subdivision (a) of
10 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
11 42 of the Code of Federal Regulations, and shall be eligible for
12 federal Medicaid home- and community-based services funding.

13 ~~(17)~~

14 (Q) "Crisis nursery" means a facility licensed by the department
15 to operate a program pursuant to Section 1516 to provide short-term
16 care and supervision for children under six years of age who are
17 voluntarily placed for temporary care by a parent or legal guardian
18 due to a family crisis or stressful situation.

19 ~~(18)~~

20 (R) "~~Short-term residential treatment center~~" *therapeutic*
21 *program*" means a residential facility *operated by a public agency*
22 *or private organization and* licensed by the department pursuant
23 to Section 1562.01 ~~and operated by any public agency or private~~
24 ~~organization that provides short-term, specialized, and intensive~~
25 ~~treatment, and that provides an integrated program of specialized~~
26 *and intensive care and supervision, services and supports,*
27 *treatment, and short-term 24-hour care and supervision to children.*
28 The care and supervision provided by a short-term residential
29 ~~treatment center~~ *therapeutic program* shall be nonmedical, except
30 as otherwise permitted by law. *Private short-term residential*
31 *therapeutic programs shall be organized and operated on a*
32 *nonprofit basis. A short-term residential therapeutic program may*
33 *be operated as a children's crisis residential center.*

34 (S) "Children's crisis residential center" means a short-term
35 residential therapeutic program operated specifically to divert
36 children experiencing a mental health crisis from psychiatric
37 hospitalization.

38 (T) "Private alternative boarding school" means a group home
39 licensed by the department to operate a program pursuant to
40 Section 1502.2 to provide youth with 24-hour residential care and

1 *supervision, which, in addition to providing educational services*
2 *to youth, provides, or holds itself out as providing,*
3 *behavioral-based services to youth with social, emotional, or*
4 *behavioral issues. The care and supervision provided by a private*
5 *alternative boarding school shall be nonmedical, except as*
6 *otherwise permitted by law.*

7 (U) “Private alternative outdoor program” means a group
8 home licensed by the department to operate a program pursuant
9 to Section 1502.21 to provide youth with 24-hour residential care
10 and supervision, which provides, or holds itself out as providing,
11 behavioral-based services in an outdoor living setting to youth
12 with social, emotional, or behavioral issues. The care and
13 supervision provided by a private alternative outdoor program
14 shall be nonmedical, except as otherwise permitted by law.

15 ~~(b)~~

16 (2) “Department” or “state department” means the State
17 Department of Social Services.

18 ~~(e)~~

19 (3) “Director” means the Director of Social Services.

20 (b) *Nothing in this section shall be construed to prohibit or*
21 *discourage placement of persons who have mental or physical*
22 *disabilities into any category of community care facility that meets*
23 *the needs of the individual placed, if the placement is consistent*
24 *with the licensing regulations of the department.*

25 SEC. 16. Section 1502.4 of the Health and Safety Code, as
26 added by Section 8 of Chapter 773 of the Statutes of 2015, is
27 amended to read:

28 1502.4. (a) A licensed short-term residential therapeutic
29 program, as defined in paragraph (18) of subdivision (a) of Section
30 1502, may only accept for placement a child who does not require
31 inpatient care in a licensed health facility and who has been
32 assessed pursuant to Section 11462.01 of the Welfare and
33 Institutions Code as meeting the applicable criteria for placement
34 in a short-term residential therapeutic program.

35 (b) For the purposes of this chapter, the following definitions
36 shall apply:

37 (1) “Health facility” has the meaning set forth in Section 1250.

38 (2) “Seriously emotionally disturbed” has the same meaning as
39 that term is used in subdivision (a) of Section 5600.3 of the Welfare
40 and Institutions Code.

1 (c) The department shall not evaluate, nor have any
2 responsibility or liability with regard to the evaluation of, the
3 mental health treatment services provided pursuant to this section.

4 (d) This section shall become operative on January 1, 2017.

5 SEC. 17. Section 1506 of the Health and Safety Code is
6 amended to read:

7 1506. (a) (1) A foster family agency may use only a certified
8 family home or a resource family that has been certified or
9 approved by that agency or, pursuant to Section 1506.5, a licensed
10 foster family home or a county-approved resource family approved
11 for this use by the county.

12 (2) Any home selected and certified or approved for the
13 reception and care of children by a foster family agency is not
14 subject to Section 1508. A certified family home or a resource
15 family of a foster family agency shall not be licensed as a
16 residential facility.

17 (3) A child with a developmental disability who is placed in a
18 certified family home or with a resource family by a foster family
19 agency that is operating under agreement with the regional center
20 responsible for that child may remain in the certified family home
21 or with the resource family after 18 years of age. The determination
22 regarding whether and how long he or she may remain as a resident
23 after 18 years of age shall be made through the agreement of all
24 parties involved, including the resident, the certified parent or
25 resource family, the foster family agency social worker, the
26 resident's regional center case manager, and the resident's parent,
27 legal guardian, or conservator, as appropriate. This determination
28 shall include a needs and service plan that contains an assessment
29 of the child's needs to ensure continued compatibility with the
30 other children in placement. The needs and service plan shall be
31 completed no more than six months prior to the child's 18th
32 birthday. The assessment shall be documented and maintained in
33 the child's file with the foster family agency.

34 (b) (1) A foster family agency shall certify to the department
35 that the certified family home has met the department's licensing
36 standards. A foster family agency may require a certified family
37 home to meet additional standards or be compatible with its
38 treatment approach.

39 (2) The foster family agency shall issue a certificate of approval
40 to the certified family home upon its determination that it has met

1 the standards established by the department and before the
2 placement of any child in the home. The certificate shall be valid
3 for a period not to exceed one year. The annual recertification shall
4 require a certified family home to complete at least eight hours of
5 structured applicable training or continuing education. At least
6 one hour of training during the first six months following initial
7 certification shall be dedicated to meeting the requirements of
8 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal
9 Code.

10 (3) If the agency determines that the home no longer meets the
11 standards, it shall notify the department and the local placing
12 agency.

13 (4) This subdivision shall apply to foster family agencies only
14 until December 31, 2019, in accordance with Section 1517.

15 (c) As used in this chapter, “certified family home” means an
16 individual or family certified by a licensed foster family agency
17 and issued a certificate of approval by that agency as meeting
18 licensing standards, and used exclusively by that foster family
19 agency for placements.

20 (d) (1) A foster family agency shall not accept applications to
21 certify foster homes and shall instead approve resource families
22 pursuant to Section 1517.

23 (2) (A) A foster family agency that chooses not to approve
24 resource families shall not recruit any new applicants, but may
25 continue to coordinate with county placing agencies to find homes
26 for foster children with its existing certified family homes, as
27 authorized by the department.

28 (B) No later than July 1, 2017, a foster family agency described
29 in subparagraph (A) shall, in addition to the notification required
30 in paragraph (4) of subdivision (f) of Section 1517, notify its
31 certified family homes that, in order to care for foster children
32 after December 31, 2019, a certified family is required to submit
33 an application for resource family approval to the county in which
34 the home is located or to a foster family agency that approves
35 resource families and shall complete the approval process no later
36 than December 31, 2019.

37 (e) (1) Requirements for social work personnel for a foster
38 family agency shall be a master’s degree from an accredited or
39 state-approved graduate school in social work or social welfare,

1 or equivalent education and experience, as determined by the
2 department.

3 (2) Persons who possess a master's degree from an accredited
4 or state-approved graduate school in any of the following areas,
5 or equivalent education and experience, as determined by the
6 department, shall be considered to be qualified to perform social
7 work activities in a foster family agency:

8 (A) Marriage, family, and child counseling.

9 (B) Child psychology.

10 (C) Child development.

11 (D) Counseling psychology.

12 (E) Social psychology.

13 (F) Clinical psychology.

14 (G) Educational psychology, consistent with the scope of
15 practice as described in Section 4989.14 of the Business and
16 Professions Code.

17 (H) Education, with emphasis on counseling.

18 (I) A subject area that is functionally equivalent to those listed
19 in subparagraphs (A) to (H), inclusive, as set forth by the
20 department.

21 (f) (1) In addition to the degree specifications in subdivision
22 (e), all of the following coursework and field practice or
23 experience, as defined in departmental regulations, shall be required
24 of all new hires for the position of social work personnel effective
25 January 1, 1995:

26 (A) At least three semester units of field practice at the master's
27 level or six months' full-time equivalent experience in a public or
28 private social service agency setting.

29 (B) At least nine semester units of coursework related to human
30 development or human behavior, or, within the first year of
31 employment, experience working with children and families as a
32 major responsibility of the position under the supervision of a
33 supervising social worker.

34 (C) At least three semester units in working with minority
35 populations or six months of experience in working with minority
36 populations or training in cultural competency and working with
37 minority populations within the first six months of employment
38 as a condition of employment.

39 (D) At least three semester units in child welfare or at least six
40 months of experience in a public or private child welfare social

1 services setting for a nonsupervisory social worker. A supervising
2 social worker shall have two years' experience in a public or private
3 child welfare social services setting.

4 (2) (A) Persons who do not meet the requirements specified in
5 subdivision (e) or this subdivision may apply for an exception as
6 provided for in subdivisions (h) and (i).

7 (B) Exceptions granted by the department prior to January 1,
8 1995, shall remain in effect.

9 (3) (A) Persons who are hired as social work personnel on or
10 after January 1, 1995, who do not meet the requirements listed in
11 this subdivision shall be required to successfully meet those
12 requirements in order to be employed as social work personnel in
13 a foster family agency.

14 (B) Employees who were hired prior to January 1, 1995, shall
15 not be required to meet the requirements of this subdivision in
16 order to remain employed as social work personnel in a foster
17 family agency.

18 (4) Coursework and field practice or experience completed to
19 fulfill the degree requirements of subdivision (e) may be used to
20 satisfy the requirements of this subdivision.

21 (g) In addition to the degree specifications in subdivision (e)
22 and the coursework and field practice or experience described in
23 subdivision (f), social work personnel shall meet core competencies
24 to participate in the assessment and evaluation of an applicant or
25 resource family, as determined by the department in written
26 directives or regulations adopted pursuant to Section 16519.5 of
27 the Welfare and Institutions Code.

28 (h) Individuals seeking an exception to the requirements of
29 subdivision (e) or (f) based on completion of equivalent education
30 and experience shall apply to the department by the process
31 established by the department.

32 (i) The department shall be required to complete the process for
33 the exception to minimum education and experience requirements
34 described in subdivisions (e) and (f) within 30 days of receiving
35 the exception application of social work personnel or supervising
36 social worker qualifications from the foster family agency.

37 (j) For purposes of this section, "social work personnel" means
38 supervising social workers as well as nonsupervisory social
39 workers.

1 SEC. 18. Section 1506.1 of the Health and Safety Code is
2 amended to read:

3 1506.1. (a) A foster family agency shall prepare and maintain
4 a current, written plan of operation as required by the department.

5 (b) (1) A foster family agency shall have national accreditation
6 from an entity identified by the department pursuant to the process
7 described in paragraph (8) of subdivision (b) of Section 11463 of
8 the Welfare and Institutions Code.

9 (2) The following applies to a foster family agency licensed
10 before January 1, 2017:

11 (A) The foster family agency shall have until December 31,
12 2018, to obtain accreditation.

13 (B) The foster family agency shall submit documentation of
14 accreditation or application for accreditation to the department in
15 a time and manner as determined by the department.

16 (C) The foster family agency shall provide documentation to
17 the department reporting its accreditation status as of January 1,
18 2018, and July 1, 2018, in a time and manner as determined by the
19 department.

20 (3) The following applies to a foster family agency licensed on
21 or after January 1, 2017:

22 (A) The foster family agency shall have up to 24 months from
23 the date of licensure to obtain accreditation.

24 (B) The foster family agency applicant shall submit
25 documentation of accreditation or application for accreditation
26 with its application for licensure.

27 (C) The foster family agency shall provide documentation to
28 the department reporting its accreditation status at 12 months and
29 at 18 months after the date of licensure.

30 (4) This subdivision does not preclude the department from
31 requesting additional information from the foster family agency
32 regarding its accreditation status.

33 (5) The department may revoke a foster family agency's license
34 pursuant to Article 5 (commencing with Section 1550) for failure
35 to obtain accreditation within the timeframes specified in this
36 subdivision.

37 (c) On and after January 1, 2017, a foster family agency's plan
38 of operation shall include a program statement. The program
39 statement shall contain a description of all of the following:

1 (1) The core services and supports, as set forth in paragraph (5)
2 of subdivision (b) of Section 11463 of the Welfare and Institutions
3 Code, and as prescribed by the department, to be offered to children
4 and their families, as appropriate or as necessary.

5 (2) The treatment practices that will be used in serving children
6 and families.

7 (3) The procedures for the development, implementation, and
8 periodic updating of the needs and services plan for children placed
9 with the foster family agency or served by the foster family agency,
10 consistent with the case plans as developed by the county placing
11 agency, that support the reasonable and prudent parent standard,
12 as defined in Section 362.05 of the Welfare and Institutions Code,
13 and procedures for collaborating with the child and family team
14 as described in paragraph (4) of subdivision (a) of Section 16501
15 of the Welfare and Institutions Code, that includes, but is not
16 limited to, a description of the services to be provided to meet the
17 treatment needs of children assessed.

18 (4) (A) How the foster family agency will comply with the
19 resource family approval standards and requirements, as set forth
20 in Section 1517.

21 (B) A foster family agency that chooses not to approve resource
22 families pursuant to Section 1517 shall describe in the program
23 statement the transition plan for its certified family homes to obtain
24 resource family approval prior to December 31, 2019.

25 (5) The population or populations to be served.

26 (6) The ability to support the differing needs of children and
27 their families.

28 (7) The plan for the supervision, evaluation, and training of
29 staff. The training plan shall be appropriate to meet the needs of
30 children, and it shall be consistent with the training provided to
31 resource families as set forth in Section 16519.5 of the Welfare
32 and Institutions Code.

33 (8) The ability to provide or arrange for treatment services to
34 meet the individual needs of children placed in certified family
35 homes or with resource families, as specified in Section 11402 of
36 the Welfare and Institutions Code.

37 (9) The plan for the training, supervision, and support of
38 resource families to meet the appropriate needs of children,
39 consistent with the training requirements set forth in Section
40 16519.5 of the Welfare and Institutions Code. To the extent

1 possible, the foster family agency training plan for resource
2 families shall be consistent with the training requirements set forth
3 by the county child welfare placing agency.

4 (10) The agency or agencies that the foster family agency has
5 partnered with, either formally or informally, to provide additional
6 supports and services to families and children during care and
7 postpermanency.

8 (11) The plan for participation in child and family teams and
9 supporting the participation of the agency's resource families in
10 those teams, as appropriate.

11 (12) Any other information that may be prescribed by the
12 department for the proper administration of this section.

13 (d) In addition to the rules and regulations adopted pursuant to
14 this chapter, a county licensed to operate a foster family agency
15 shall describe, in the plan of operation, its conflict-of-interest
16 mitigation plan, on and after January 1, 2017, as set forth in
17 subdivision (g) of Section 11462.02 of the Welfare and Institutions
18 Code.

19 (e) (1) (A) (i) A foster family agency applicant shall submit
20 an application to the department that includes a letter of
21 recommendation in support of its program from a county placing
22 agency.

23 (ii) The letter of recommendation shall include a statement that
24 the county placing agency reviewed the applicant's program
25 statement.

26 (iii) If the letter of recommendation is not from the county in
27 which the facility is located, the foster family agency applicant
28 shall include with its application a statement that it provided the
29 county in which the facility is located an opportunity for that
30 county to review the program statement and notified that county
31 that the facility has received a letter of recommendation from
32 another county.

33 (B) If the application does not contain a letter of
34 recommendation as described in subparagraph (A), then the
35 department shall cease review of the application. Nothing in this
36 paragraph shall constitute a denial of the application for purposes
37 of Section 1526 or any other law.

38 (C) A new letter of recommendation is not required when a
39 foster family agency moves locations.

1 (2) A foster family agency shall submit a copy of its program
2 statement to all county placing agencies with which placements
3 are coordinated or for which services are provided, including the
4 county in which the facility is located, for optional review when
5 the foster family agency updates its program statement.

6 (f) The department shall have the authority to inspect a foster
7 family agency pursuant to the system of governmental monitoring
8 and oversight developed by the department on and after January
9 1, 2017, pursuant to subdivision (c) of Section 11463 of the
10 Welfare and Institutions Code.

11 SEC. 19. Section 1506.3 of the Health and Safety Code is
12 amended to read:

13 1506.3. A foster family agency shall employ one full-time
14 social work supervisor for every eight social workers or fraction
15 thereof in the agency.

16 SEC. 20. Section 1506.5 of the Health and Safety Code is
17 amended to read:

18 1506.5. (a) Foster family agencies shall not use foster family
19 homes licensed by a county or resource families approved by a
20 county without the approval of the licensing or approving county.
21 When approval is granted, a written agreement between the foster
22 family agency and the county shall specify the nature of
23 administrative control and case management responsibility and
24 the nature and number of the children to be served in the home.

25 (b) Before a foster family agency may use a licensed foster
26 family home it shall review and, with the exception of a new
27 fingerprint clearance, qualify the home in accordance with Section
28 1506.

29 (c) When approval is granted pursuant to subdivision (a), and
30 for the duration of the agreement permitting the foster family
31 agency use of the licensed foster family home or county-approved
32 resource family, no child shall be placed in that home except
33 through the foster family agency.

34 (d) Nothing in this section shall transfer or eliminate the
35 responsibility of the placing agency for the care, custody, or control
36 of the child. Nothing in this section shall relieve a foster family
37 agency of its responsibilities for or on behalf of a child placed with
38 it.

39 (e) (1) If an application to a foster family agency for a certificate
40 of approval indicates, or the department determines during the

1 application review process, that the applicant previously was issued
2 a license under this chapter or under Chapter 1 (commencing with
3 Section 1200), Chapter 2 (commencing with Section 1250), Chapter
4 3.01 (commencing with Section 1568.01), Chapter 3.2
5 (commencing with Section 1569), Chapter 3.4 (commencing with
6 Section 1596.70), Chapter 3.5 (commencing with Section 1596.90),
7 or Chapter 3.6 (commencing with Section 1597.30) and the prior
8 license was revoked within the preceding two years, the foster
9 family agency shall cease any further review of the application
10 until two years have elapsed from the date of the revocation.

11 (2) If an application to a foster family agency for a certificate
12 of approval indicates, or the department determines during the
13 application review process, that the applicant previously was issued
14 a certificate of approval by a foster family agency that was revoked
15 by the department pursuant to subdivision (b) of Section 1534
16 within the preceding two years, the foster family agency shall cease
17 any further review of the application until two years have elapsed
18 from the date of the revocation.

19 (3) If an application to a foster family agency for a certificate
20 of approval indicates, or the department determines during the
21 application review process, that the applicant was excluded from
22 a facility licensed by the department or from a certified family
23 home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897,
24 the foster family agency shall cease any further review of the
25 application unless the excluded person has been reinstated pursuant
26 to Section 11522 of the Government Code by the department.

27 (4) The cessation of review shall not constitute a denial of the
28 application for purposes of subdivision (b) of Section 1534 or any
29 other law.

30 (f) (1) If an application to a foster family agency for a certificate
31 of approval indicates, or the department determines during the
32 application review process, that the applicant had previously
33 applied for a license under any of the chapters listed in paragraph
34 (1) of subdivision (e) and the application was denied within the
35 last year, the foster family agency shall cease further review of the
36 application as follows:

37 (A) When the applicant petitioned for a hearing, the foster family
38 agency shall cease further review of the application until one year
39 has elapsed from the effective date of the decision and order of
40 the department upholding a denial.

1 (B) When the department informed the applicant of his or her
2 right to petition for a hearing and the applicant did not petition for
3 a hearing, the foster family agency shall cease further review of
4 the application until one year has elapsed from the date of the
5 notification of the denial and the right to petition for a hearing.

6 (2) The foster family agency may continue to review the
7 application if the department has determined that the reasons for
8 the denial of the application were due to circumstances and a
9 condition that either have been corrected or are no longer in
10 existence.

11 (3) The cessation of review shall not constitute a denial of the
12 application for purposes of subdivision (b) of Section 1534 or any
13 other law.

14 (g) (1) If an application to a foster family agency for a
15 certificate of approval indicates, or the department determines
16 during the application review process, that the applicant had
17 previously applied for a certificate of approval with a foster family
18 agency and the department ordered the foster family agency to
19 deny the application pursuant to subdivision (b) of Section 1534,
20 the foster family agency shall cease further review of the
21 application as follows:

22 (A) In cases where the applicant petitioned for a hearing, the
23 foster family agency shall cease further review of the application
24 until one year has elapsed from the effective date of the decision
25 and order of the department upholding a denial.

26 (B) In cases where the department informed the applicant of his
27 or her right to petition for a hearing and the applicant did not
28 petition for a hearing, the foster family agency shall cease further
29 review of the application until one year has elapsed from the date
30 of the notification of the denial and the right to petition for a
31 hearing.

32 (2) The foster family agency may continue to review the
33 application if the department has determined that the reasons for
34 the denial of the application were due to circumstances and
35 conditions that either have been corrected or are no longer in
36 existence.

37 (3) The cessation of review shall not constitute a denial of the
38 application for purposes of subdivision (b) of Section 1534 or any
39 other law.

(h) Subdivisions (e), (f), and (g) shall apply only to certified family home applications received on or before December 31, 2016, in accordance with Section 1517.

SEC. 21. Section 1506.6 of the Health and Safety Code is amended to read:

1506.6. (a) It is the intent of the Legislature that public and private efforts to recruit foster parents not be competitive and that the total number of foster parents be increased.

(b) A foster family agency shall not certify a family home that is licensed by the department or a county. A licensed foster family home shall forfeit its license, pursuant to subdivision (b) of Section 1524, concurrent with final certification by the foster family agency. The department or a county shall not license a family home that is certified by a foster family agency. A certified family home shall forfeit its certificate concurrent with final licensing by the department or a county.

(c) (1) A licensed foster family home shall forfeit its license, pursuant to subdivision (b) of Section 1524, concurrent with resource family approval by a foster family agency or a county.

(2) A certified family home shall forfeit its certificate of approval concurrent with resource family approval by a foster family agency, pursuant to subdivision (f) of Section 1517, or a county.

(3) A resource family approved pursuant to Section 1517 shall forfeit its approval concurrent with resource family approval by another foster family agency or a county.

SEC. 22. Section 1506.7 of the Health and Safety Code is amended to read:

1506.7. (a) A foster family agency shall require the owner or operator of a family home applying for certification to sign an application that shall contain, but shall not be limited to, the following information:

(1) Whether the applicant has been certified, and by which foster family agency.

(2) Whether the applicant has been decertified, and by which foster family agency.

(3) Whether a placement hold has been placed on the applicant by a foster family agency, and by which foster family agency.

(4) Whether the applicant has been a foster home licensed by a county or by the state and, if so, by which county or state, or

1 whether the applicant has been approved for relative placement
2 by a county and, if so, by which county.

3 (b) (1) The application form signed by the owner or operator
4 of the family home applying for certification shall contain notice
5 to the applicant for certification that the foster family agency is
6 required to check references of all foster family agencies that have
7 previously certified the applicant and of all state or county licensing
8 offices that have licensed the applicant as a foster parent, and that
9 the signing of the application constitutes the authorization of the
10 applicant for the foster family agency to conduct its check of
11 references.

12 (2) The application form signed by the owner or operator of the
13 family home applying for certification shall be signed with a
14 declaration by the applicant that the information submitted is true,
15 correct, and contains no material omissions of fact to the best
16 knowledge and belief of the applicant. Any person who declares
17 as true any material matter pursuant to this section that he or she
18 knows to be false is guilty of a misdemeanor. The application shall
19 include a statement that submitting false information is a violation
20 of law punishable by incarceration, a fine, or both incarceration
21 and a fine.

22 (c) This section shall apply only to certified family home
23 applications received on or before December 31, 2016, in
24 accordance with Section 1517.

25 SEC. 23. Section 1506.8 of the Health and Safety Code is
26 amended to read:

27 1506.8. (a) Before certifying a family home, a foster family
28 agency shall contact any foster family agencies by whom an
29 applicant has been previously certified and any state or county
30 licensing offices that have licensed the applicant as a foster parent,
31 and shall conduct a reference check as to the applicant.

32 (b) This section shall apply only to certified family home
33 applications received on or before December 31, 2016, in
34 accordance with Section 1517.

35 SEC. 24. Section 1507.25 of the Health and Safety Code is
36 amended to read:

37 1507.25. (a) (1) Notwithstanding any other law, a person
38 described in paragraph (2), who is not a licensed health care
39 professional, but who is trained to administer injections by a
40 licensed health care professional practicing within his or her scope

1 of practice, may administer emergency medical assistance and
2 injections for severe diabetic hypoglycemia and anaphylactic shock
3 to a foster child in placement.

4 (2) The following individuals shall be authorized to administer
5 emergency medical assistance and injections in accordance with
6 this subdivision:

7 (A) A relative caregiver.

8 (B) A nonrelative extended family member.

9 (C) A foster family home parent.

10 (D) A member of a resource family, as defined in subdivision
11 (c) of Section 16519.5 of the Welfare and Institutions Code.

12 (E) A small family home parent.

13 (F) A certified parent of a foster family agency.

14 (G) A substitute caregiver of a foster family home or a certified
15 family home.

16 (H) A staff member of a small family home or a group home
17 who provides direct care and supervision to children and youth
18 residing in the small family home or group home.

19 (I) A staff member of a short-term residential therapeutic
20 program who provides direct care and supervision to children and
21 youth residing in the short-term residential therapeutic program.

22 (3) The licensed health care professional shall periodically
23 review, correct, or update training provided pursuant to this section
24 as he or she deems necessary and appropriate.

25 (b) (1) Notwithstanding any other law, a person described in
26 paragraph (2), who is not a licensed health care professional, but
27 who is trained to administer injections by a licensed health care
28 professional practicing within his or her scope of practice, may
29 administer subcutaneous injections of other medications, including
30 insulin, as prescribed by the child's physician, to a foster child in
31 placement.

32 (2) The following individuals shall be authorized to give
33 prescribed injections including insulin in accordance with this
34 subdivision:

35 (A) A relative caregiver.

36 (B) A nonrelative extended family member.

37 (C) A foster family home parent.

38 (D) A member of a resource family, as defined in subdivision
39 (c) of Section 16519.5 of the Welfare and Institutions Code.

40 (E) A small family home parent.

1 (F) A certified parent of a foster family agency.

2 (G) In the absence of a foster parent, a designated substitute
3 caregiver in a foster family home or a certified family home.

4 (H) A direct care staff member of a short-term residential
5 therapeutic program who provides direct care and supervision to
6 children and youth residing in the short-term residential therapeutic
7 program.

8 (3) The licensed health care professional shall periodically
9 review, correct, or update training provided pursuant to this section
10 as he or she deems necessary and appropriate.

11 (c) For purposes of this section, administration of an insulin
12 injection shall include all necessary supportive activities related
13 to the preparation and administration of the injection, including
14 glucose testing and monitoring.

15 (d) Notwithstanding Part 5.5 (commencing with Section 17700)
16 of Division 9 of, and particularly subdivision (g) of Section 17710
17 of, the Welfare and Institutions Code, a child's need to receive
18 injections pursuant to this section shall not be the sole basis for
19 determining that the child has a medical condition requiring
20 specialized in-home health care.

21 (e) This section does not supersede the requirements of Section
22 369.5 of the Welfare and Institutions Code, with respect to the
23 administration of psychotropic medication to a dependent child of
24 the court.

25 SEC. 25. Section 1517 of the Health and Safety Code is
26 amended to read:

27 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
28 of the Welfare and Institutions Code, the State Department of
29 Social Services, shall implement a unified, family friendly, and
30 child-centered resource family approval process to replace the
31 existing multiple processes for licensing foster family homes,
32 certifying foster homes by licensed foster family agencies,
33 approving relatives and nonrelative extended family members as
34 foster care providers, and approving guardians and adoptive
35 families.

36 (2) For purposes of this section, a "resource family" means an
37 individual or family that has successfully met both the home
38 environment assessment and the permanency assessment criteria,
39 as set forth in Section 16519.5 of the Welfare and Institutions
40 Code, necessary for providing care for a related or unrelated child

1 who is under the jurisdiction of the juvenile court, or otherwise in
2 the care of a county child welfare agency or probation department.

3 (3) For purposes of this chapter, “resource family approval”
4 means that the applicant or resource family successfully meets the
5 home environment assessment and permanency assessment
6 standards adopted pursuant to subdivision (d) of Section 16519.5
7 of the Welfare and Institutions Code. This approval is in lieu of a
8 certificate of approval issued by a licensed foster family agency
9 pursuant to subdivision (b) of Section 1506.

10 (4) Approval of a resource family does not guarantee an initial,
11 continued, or adoptive placement of a child with a resource family.
12 Approval of a resource family does not guarantee the establishment
13 of a legal guardianship of a child with a resource family. There is
14 no fundamental right to resource family approval.

15 (5) (A) Notwithstanding paragraphs (1) to (4), inclusive, a foster
16 family agency shall cease any further review of an application if
17 the applicant has had a previous application denial within the
18 preceding year by the department or county, or if the applicant has
19 had a previous rescission, revocation, or exemption denial or
20 exemption rescission by the department or county within the
21 preceding two years.

22 (B) Notwithstanding subparagraph (A), a foster family agency
23 may continue to review an application if it has determined that the
24 reasons for the previous denial, rescission, or revocation were due
25 to circumstances and conditions that either have been corrected or
26 are no longer in existence.

27 (C) If an individual was excluded from a resource family home
28 or facility licensed by the department, a foster family agency shall
29 cease review of the individual’s application unless the excluded
30 individual has been reinstated pursuant to Section 11522 of the
31 Government Code and subdivision (h) of Section 1558 of this
32 code.

33 (D) The cessation of review shall not constitute a denial of the
34 application for purposes of this section, Section 16519.5 of the
35 Welfare and Institutions Code, or any other law.

36 (6) A resource family shall meet the approval standards set forth
37 in Section 16519.5 of the Welfare and Institutions Code, comply
38 with the written directives or regulations adopted pursuant to
39 Section 16519.5 of the Welfare and Institutions Code, and comply

1 with other applicable federal and state laws in order to maintain
2 approval.

3 (7) A resource family may be approved by the department or a
4 county pursuant to Section 16519.5 of the Welfare and Institutions
5 Code or by a foster family agency pursuant to this section.

6 (b) (1) A foster family agency shall comply with the provisions
7 of this section.

8 (2) Notwithstanding any other law, a foster family agency shall
9 require its applicants and resource families to meet the resource
10 family approval standards set forth in Section 16519.5 of the
11 Welfare and Institutions Code, the written directives or regulations
12 adopted thereto, and other applicable laws prior to approval and
13 in order to maintain approval.

14 (3) A foster family agency shall be responsible for all of the
15 following:

16 (A) Complying with the applicable provisions of this chapter,
17 the regulations for foster family agencies, the resource family
18 approval standards and requirements set forth in Article 2
19 (commencing with Section 16519.5) of Chapter 5 of Part 4 of
20 Division 9 of the Welfare and Institutions Code, and the applicable
21 written directives or regulations adopted thereto by the department.

22 (B) Implementing the requirements for the resource family
23 approval and utilizing standardized documentation established by
24 the department.

25 (C) Ensuring staff have the education, experience, and core
26 competencies necessary to participate in the assessment and
27 evaluation of an applicant or resource family.

28 (D) Taking the following actions, as applicable:

29 (i) (I) Approving or denying resource family applications,
30 including preparing a written evaluation of an applicant's capacity
31 to foster, adopt, or provide legal guardianship of a child based on
32 all of the information gathered through the resource family
33 application and assessment processes.

34 (II) Considering the applicant's preference to provide a specific
35 level of permanency, including adoption, guardianship, or, in the
36 case of a relative, placement with a fit and willing relative, shall
37 not be a basis to deny an application.

38 (ii) Rescinding approvals of resource families.

1 (E) Providing to the department a log of resource families that
2 were approved or had approval rescinded during the month by the
3 10th day of the following month.

4 (F) (i) Updating resource family approval annually and as
5 necessary to address any changes that have occurred in the resource
6 family's circumstances, including, but not limited to, moving to
7 a new home location or commencing operation of a family day
8 care home, as defined in Section 1596.78.

9 (ii) A foster family agency shall conduct an announced
10 inspection of a resource family home during the annual update,
11 and as necessary to address any changes specified in clause (i), to
12 ensure that the resource family is conforming to all applicable laws
13 and the written directives or regulations adopted pursuant to
14 Section 16519.5 of the Welfare and Institutions Code.

15 (G) Monitoring resource families through all of the following:

16 (i) Ensuring that social workers who identify a condition in the
17 home that may not meet the resource family approval standards
18 while in the course of a routine visit to children subsequently
19 placed with a resource family take appropriate action as needed.

20 (ii) Requiring resource families to meet the approval standards
21 set forth in Section 16519.5 of the Welfare and Institutions Code
22 and to comply with the written directives or regulations adopted
23 thereto, other applicable laws, and corrective action plans as
24 necessary to correct identified deficiencies. If corrective action is
25 not completed as specified in the plan, the foster family agency or
26 the department may rescind the approval of the resource family
27 or take other administrative action in accordance with applicable
28 law or the written directives or regulations adopted pursuant to
29 Section 16519.5 of the Welfare and Institutions Code.

30 (iii) Requiring resource families to report to the foster family
31 agency any incidents as specified in the written directives or
32 regulations adopted pursuant to Section 16519.5 of the Welfare
33 and Institutions Code.

34 (iv) Inspecting resource family homes as often as necessary to
35 ensure the quality of care provided.

36 (H) Performing corrective action as required by the department.

37 (I) Submitting information and data that the department
38 determines is necessary to study, monitor, and prepare the report
39 specified in paragraph (6) of subdivision (f) of Section 16519.5 of
40 the Welfare and Institutions Code.

1 (J) (i) Ensuring applicants and resource families meet the
2 training requirements, and, if applicable, the specialized training
3 requirements set forth in Section 16519.5 of the Welfare and
4 Institutions Code.

5 (ii) Nothing in this section shall preclude a foster family agency
6 from requiring training in excess of the requirements in this section.

7 (4) A foster family agency may cooperatively match a child
8 who is under the care, custody, and control of a county with a
9 resource family for initial placement.

10 (c) In addition to subdivision (f) of Section 16519.5 of the
11 Welfare and Institutions Code, the State Department of Social
12 Services shall be responsible for all of the following:

13 (1) Requiring foster family agencies to monitor resource
14 families, including, but not limited to, inspecting resource family
15 homes, developing and monitoring resource family corrective
16 action plans to correct identified deficiencies, and rescinding
17 resource family approval if compliance with a corrective action
18 plan is not achieved.

19 (2) Investigating all complaints against a resource family
20 approved by a foster family agency and taking any action it deems
21 necessary. This shall include investigating any incidents reported
22 about a resource family indicating that the approval standard is
23 not being maintained. Complaint investigations shall be conducted
24 in accordance with the written directives or regulations adopted
25 pursuant to Section 16519.5 of the Welfare and Institutions Code.
26 A foster family agency shall not conduct an internal investigation
27 regarding an incident report or complaint against a resource family
28 that interferes with an investigation being conducted by the
29 department.

30 (3) Rescinding approvals of a resource family approved by a
31 foster family agency.

32 (4) Excluding a resource family parent or other individual from
33 presence in a resource family home or licensed community care
34 facility, from being a member of the board of directors, an
35 executive director, or an officer of a licensed community care
36 facility, or prohibiting a licensed community care facility from
37 employing the resource family parent or other individual, if
38 appropriate.

39 (5) Issuing a temporary suspension order that suspends the
40 resource family approval prior to a hearing, when urgent action is

1 needed to protect a child from physical or mental abuse,
2 abandonment, or any other substantial threat to health or safety.

3 (6) Providing a resource family parent, applicant, excluded
4 individual, or individual who is the subject of a criminal record
5 exemption decision with due process pursuant to Section 16519.6
6 of the Welfare and Institutions Code.

7 (d) The department may enter and inspect the home of a resource
8 family approved by a foster family agency to secure compliance
9 with the resource family approval standards, investigate a
10 complaint or incident, or ensure the quality of care provided.

11 (e) Nothing in this section or in Article 2 (commencing with
12 Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the
13 Welfare and Institutions Code limits the authority of the department
14 to inspect, evaluate, investigate a complaint or incident, or initiate
15 a disciplinary action against a foster family agency pursuant to
16 this chapter or to take any action it may deem necessary for the
17 health and safety of children placed with the foster family agency.

18 (f) (1) The applicable certification and oversight processes shall
19 continue to be administered for foster homes certified by a foster
20 family agency prior to January 1, 2017, or as specified in paragraph
21 (2), until the certification is revoked or forfeited by operation of
22 law pursuant to this subdivision.

23 (2) Notwithstanding paragraph (3), a foster family agency shall
24 approve or deny all certified family home applications received
25 on or before December 31, 2016, in accordance with this chapter.

26 (3) On and after January 1, 2017, a foster family agency shall
27 not accept applications to certify foster homes and shall approve
28 resource families in lieu of certifying foster homes.

29 (4) No later than July 1, 2017, each foster family agency shall
30 provide the following information to its certified family homes:

31 (A) A detailed description of the resource family approval
32 program.

33 (B) Notification that, in order to care for a foster child, resource
34 family approval is required by December 31, 2019.

35 (C) Notification that a certificate of approval shall be forfeited
36 by operation of law as specified in paragraph (7).

37 (5) By no later than January 1, 2018, the following shall apply
38 to all certified family homes:

1 (A) A certified family home with an approved adoptive home
2 study, completed prior to January 1, 2018, shall be deemed to be
3 an approved resource family.

4 (B) A certified family home that had a child in placement at
5 any time between January 1, 2017, and December 31, 2017,
6 inclusive, may be approved as a resource family on the date of
7 successful completion of a psychosocial assessment pursuant to
8 subparagraph (B) of paragraph (3) of subdivision (d) of Section
9 16519.5 of the Welfare and Institutions Code.

10 (6) A foster family agency may provide supportive services to
11 all certified family homes with a child in placement to assist with
12 the resource family transition and to minimize placement
13 disruptions.

14 (7) All certificates of approval shall be forfeited by operation
15 of law on December 31, 2019, except as provided in this paragraph:

16 (A) All certified family homes that did not have a child in
17 placement at any time between January 1, 2017, and December
18 31, 2017, inclusive, shall forfeit the certificate of approval by
19 operation of law on January 1, 2018.

20 (B) For certified family homes with a pending resource family
21 application on December 31, 2019, the certificate of approval shall
22 be forfeited by operation of law upon approval as a resource family.
23 If approval is denied, forfeiture by operation of law shall occur on
24 the date of completion of any proceedings required by law to ensure
25 due process.

26 (C) A certificate of approval shall be forfeited by operation of
27 law upon approval as a resource family.

28 (g) A foster family agency may obtain any arrest or conviction
29 records or reports from any law enforcement agency as necessary
30 to the performance of its duties, as provided in this section.

31 SEC. 26. Section 1517.1 is added to the Health and Safety
32 Code, to read:

33 1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5
34 of the Welfare and Institutions Code, the State Department of
35 Social Services shall implement a unified, family friendly, and
36 child-centered resource family approval process to replace the
37 existing multiple processes for licensing foster family homes,
38 certifying foster homes by licensed foster family agencies,
39 approving relatives and nonrelative extended family members as

1 foster care providers, and approving guardians and adoptive
2 families.

3 (2) For purposes of this section, a “resource family” means an
4 individual or family that has successfully met both the home
5 environment assessment and the permanency assessment criteria,
6 as set forth in Section 16519.5 of the Welfare and Institutions
7 Code, necessary for providing care for a related or unrelated child
8 who is under the jurisdiction of the juvenile court, or otherwise in
9 the care of a county child welfare agency or probation department.

10 (b) (1) The applicable licensure and oversight processes shall
11 continue to be administered for foster family homes licensed prior
12 to January 1, 2017, or as specified in paragraph (2), until the license
13 is revoked or forfeited by operation of law pursuant to this section
14 or Section 1524 of the Health and Safety Code.

15 (2) The department shall approve or deny all foster family home
16 license applications received on or before December 31, 2016, in
17 accordance with this chapter.

18 (3) On and after January 1, 2017, the department shall not accept
19 applications to license foster family homes.

20 (4) By no later than January 1, 2018, the following shall apply
21 to all foster family homes:

22 (A) A foster family home with an approved adoptive home
23 study, completed prior to January 1, 2018, shall be deemed to be
24 an approved resource family.

25 (B) A foster family home that had a child in placement for any
26 length of time between January 1, 2017, and December 31, 2017,
27 inclusive, may be approved as a resource family on the date of
28 successful completion of a psychosocial assessment pursuant to
29 subparagraph (B) of paragraph (3) of subdivision (d) of Section
30 16519.5 of the Welfare and Institutions Code.

31 (5) All foster family home licenses shall be forfeited by
32 operation of law on December 31, 2019, except as provided in this
33 paragraph or Section 1524.

34 (A) All licensed foster family homes that did not have a child
35 in placement at any time between January 1, 2017, and December
36 31, 2017, inclusive, shall forfeit the license by operation of law
37 on January 1, 2018.

38 (B) For foster family home licensees who have pending resource
39 family applications on December 31, 2019, the foster family home
40 license shall be forfeited by operation of law upon approval as a

1 resource family. If approval is denied, forfeiture by operation of
2 law shall occur on the date of completion of any proceedings
3 required by law to ensure due process.

4 (C) A foster family home license shall be forfeited by operation
5 of law upon approval as a resource family.

6 SEC. 27. Section 1517.2 is added to the Health and Safety
7 Code, to read:

8 1517.2. (a) The application form signed by a resource family
9 applicant of a foster family agency shall be signed with a
10 declaration by the applicant that the information submitted is true,
11 correct, and contains no material omissions of fact to the best
12 knowledge and belief of the applicant. Any person who willfully
13 and knowingly, with the intent to deceive, makes a false statement
14 or fails to disclose a material fact in his or her application is guilty
15 of a misdemeanor.

16 (b) Before approving a resource family, a foster family agency
17 shall conduct a reference check of the applicant by contacting all
18 of the following:

19 (1) Any foster family agencies that have certified the applicant.

20 (2) Any state or county licensing offices that have licensed the
21 applicant as a foster family home.

22 (3) Any counties that have approved the applicant as a relative
23 or nonrelative extended family member.

24 (4) Any foster family agencies or counties that have approved
25 the applicant as a resource family.

26 (5) Any state licensing offices that have licensed the applicant
27 as a community care facility, child day care center, or family child
28 care home.

29 (c) The department, a county, or a foster family agency may
30 request information from, or divulge information to, the
31 department, a county, or a foster family agency regarding a
32 prospective resource family for the purpose of conducting, and as
33 necessary to conduct, a reference check to determine whether it is
34 safe and appropriate to approve an applicant to be a resource
35 family.

36 SEC. 28. Section 1517.3 is added to the Health and Safety
37 Code, to read:

38 1517.3. (a) A person shall not incur civil liability as a result
39 of providing the department with either of the following:

1 (1) A foster family agency's log of resource families that have
2 been approved or have had approval rescinded.

3 (2) Notification of a foster family agency's determination to
4 rescind the approval of a resource family due to any of the
5 following actions by a resource family parent:

6 (A) Violation of Section 16519.5, the written directives or
7 regulations adopted pursuant to Section 16519.5, or any other
8 applicable law.

9 (B) Aiding, abetting, or permitting the violation of Section
10 16519.5, the written directives or regulations adopted pursuant to
11 Section 16519.5, or any other applicable law.

12 (C) Conduct that poses a risk or threat to the health and safety,
13 protection, or well-being of a child, or the people of the State of
14 California.

15 (D) Conviction at any time before or during his or her approval
16 of a crime described in Section 1522.

17 (E) Knowingly allowing a child to have illegal drugs, alcohol,
18 or any tobacco product, as defined in subdivision (d) of Section
19 22950.5 of the Business and Professions Code.

20 (F) Committing an act of child abuse or neglect or an act of
21 violence against another person.

22 (b) The department, a county, or a foster family agency shall
23 not incur civil liability for providing each other with information
24 if the communication is for the purpose of aiding in the evaluation
25 of an application for approval of a resource family by a foster
26 family agency.

27 SEC. 29. Section 1520.1 of the Health and Safety Code is
28 amended to read:

29 1520.1. In addition to Section 1520, applicants for a group
30 home or short-term residential therapeutic program license shall
31 meet the following requirements:

32 (a) (1) During the first 12 months of operation, the facility shall
33 operate with a provisional license. After eight months of operation,
34 the department shall conduct a comprehensive review of the facility
35 for compliance with all applicable laws and regulations and help
36 develop a plan of correction with the provisional licensee, if
37 appropriate. By the end of the 12th month of operation, the
38 department shall determine if the permanent license should be
39 issued.

1 (2) If the department determines that the group home or
2 short-term residential therapeutic program is in substantial
3 compliance with licensing standards, notwithstanding Section
4 1525.5, the department may extend the provisional license for up
5 to an additional six months for either of the following reasons:

6 (A) The group home or short-term residential therapeutic
7 program requires additional time to be in full compliance with
8 licensing standards.

9 (B) After 12 months of operation, the group home or short-term
10 residential therapeutic program is not operating at 50 percent of
11 its licensed capacity.

12 (3) By no later than the first business day of the 17th month of
13 operation, the department shall conduct an additional review of a
14 facility for which a provisional license is extended pursuant to
15 paragraph (2), in order to determine whether a permanent license
16 should be issued.

17 (4) The department may deny a group home or short-term
18 residential therapeutic program license application at any time
19 during the term of the provisional license to protect the health and
20 safety of clients. If the department denies the application, the group
21 home or short-term residential therapeutic program shall cease
22 operation immediately. Continued operation of the facility after
23 the department denies the application or the provisional license
24 expires shall constitute unlicensed operation.

25 (5) When the department notifies a city or county planning
26 authority pursuant to subdivision (c) of Section 1520.5, the
27 department shall briefly describe the provisional licensing process
28 and the timelines provided for under that process, as well as provide
29 the name, address, and telephone number of the district office
30 licensing the facility where a complaint or comment about the
31 group home's or short-term residential therapeutic program's
32 operation may be filed.

33 (b) (1) After the production of the booklet provided for in
34 paragraph (2), every member of the group home's board of
35 directors or governing body and every member of a short-term
36 residential therapeutic program's board of directors or governing
37 body shall, prior to becoming a member of the board of directors
38 or governing body sign a statement that he or she understands his
39 or her legal duties and obligations as a member of the board of
40 directors or governing body and that the group home's or

1 short-term residential therapeutic program's operation is governed
2 by laws and regulations that are enforced by the department, as
3 set forth in the booklet. The applicant, provisional licensee, and
4 licensee shall have this statement available for inspection by the
5 department. For members of the board of directors or governing
6 body when the booklet is produced, the licensee shall obtain this
7 statement by the next scheduled meeting of the board of directors
8 or governing body. Compliance with this paragraph shall be a
9 condition of licensure.

10 (2) The department shall distribute to every group home provider
11 and short-term residential therapeutic program provider,
12 respectively, detailed information designed to educate members
13 of the group home provider's or short-term residential therapeutic
14 program provider's board of directors or governing body of their
15 roles and responsibilities as members of a public benefit
16 corporation under the laws of this state. The information shall be
17 included in a booklet, may be revised as deemed necessary by the
18 department, and shall include, but not be limited to, all of the
19 following:

20 (A) The financial responsibilities of a member of the board of
21 directors or governing body.

22 (B) Disclosure requirements for self-dealing transactions.

23 (C) Legal requirements pertaining to articles of incorporation,
24 bylaws, length of member terms, voting procedures, board or
25 governing body meetings, quorums, minutes of meetings, and, as
26 provided for in subdivision (f), member duties.

27 (D) A general overview of the laws and regulations governing
28 the group home's or short-term residential therapeutic program's
29 operation that are enforced by the department.

30 (c) All financial records submitted by a facility to the
31 department, or that are submitted as part of an audit of the facility,
32 including, but not limited to, employee timecards and timesheets,
33 shall be signed and dated by the employee and by the group home
34 representative or short-term residential therapeutic program
35 representative who is responsible for ensuring the accuracy of the
36 information contained in the record, or when a time clock is used,
37 the payroll register shall be signed and dated, and those financial
38 records shall contain an affirmative statement that the signatories
39 understand that the information contained in the document is

1 correct to the best of their knowledge and that submission of false
2 or misleading information may be prosecuted as a crime.

3 (d) An applicant, provisional licensee, or licensee shall maintain,
4 submit, and sign financial documents to verify the legitimacy and
5 accuracy of these documents. These documents include, but are
6 not limited to, the group home or short-term residential therapeutic
7 program application, any financial documents and plans of
8 corrections submitted to the department, and timesheets.

9 (e) (1) It is the intent of the Legislature that a group home or
10 short-term residential therapeutic program have either
11 representatives on its board of directors, as listed in paragraph (2),
12 or a community advisory board, that meets at least annually.

13 (2) The representatives on the board of directors or the
14 community advisory board members should consist of at least the
15 following persons:

16 (A) A member of the facility's board of directors.

17 (B) Members of the community where the facility is located.

18 (C) Neighbors of the facility.

19 (D) Current or former clients of the facility.

20 (E) A representative from a local law enforcement or other city
21 or county representative.

22 (f) Each group home or short-term residential therapeutic
23 program provider shall schedule and conduct quarterly meetings
24 of its board of directors or governing body. During these quarterly
25 meetings, the board of directors or governing body shall review
26 and discuss licensing reports, financial and program audit reports
27 of its group home or short-term residential therapeutic program
28 operations, special incident reports, and any administrative action
29 against the licensee or its employees. The minutes shall reflect the
30 board's or governing body's discussion of these documents and
31 the group home's or short-term residential therapeutic program's
32 operation. The licensee shall make available the minutes of group
33 home's or short-term residential therapeutic program's board of
34 directors or governing body meetings to the department.

35 SEC. 30. Section 1522.2 of the Health and Safety Code is
36 amended to read:

37 1522.2. If a local law enforcement agency, a probation officer,
38 or a local department or agency that provides social services
39 becomes aware that an employee of a community treatment facility,
40 a day treatment facility, a group home, a short-term residential

1 therapeutic program, or a foster family agency has been arrested
2 for child abuse, as defined in Section 11165.6 of the Penal Code,
3 after determining that the potential for abuse is present and that
4 the employee is free to return to the facility where children are
5 present, the local law enforcement agency, probation officer, or
6 local department or agency shall notify the licensee of the charge
7 of abuse.

8 SEC. 31. Section 1522.4 of the Health and Safety Code is
9 amended to read:

10 1522.4. (a) In addition to any other requirements of this chapter
11 and except for foster family homes, small family homes, and
12 certified family homes of foster family agencies, all of the
13 following apply to any community care facility providing 24-hour
14 care for children:

15 (1) The facility shall have one or more facility managers.
16 “Facility manager,” as used in this section, means a person on the
17 premises with the authority and responsibility necessary to manage
18 and control the day-to-day operation of a community care facility
19 and supervise the clients. The facility manager, licensee, and
20 administrator, or any combination thereof, may be the same person
21 provided he or she meets all applicable requirements. If the
22 administrator is also the facility manager for the same facility, this
23 person shall be limited to the administration and management of
24 only one facility.

25 (2) The facility manager shall have at least one year of
26 experience working with the client group served, or equivalent
27 education or experience, as determined by the department.

28 (3) A facility manager shall be at the facility at all times when
29 one or more clients are present. To ensure adequate supervision
30 of clients when clients are at the facility outside of their normal
31 schedule, a current telephone number where the facility manager
32 can be reached shall be provided to the clients, licensing agency,
33 school, and any other agency or person as the department
34 determines is necessary. The facility manager shall instruct these
35 agencies and individuals to notify him or her when clients will be
36 returning to the facility outside of the normal hours.

37 (4) The Legislature intends to upgrade the quality of care in
38 licensed facilities. For the purposes of Sections 1533 and 1534,
39 the licensed facility shall be inspected and evaluated for quality
40 of care at least once each year, without advance notice and as often

1 as necessary, without advance notice, to ensure the quality of care
2 being provided.

3 Paragraphs (1), (2), and (3) shall apply only to new facilities
4 licensed for six or fewer children which apply for a license after
5 January 1, 1985, and all other new facilities licensed for seven or
6 more children which apply for a license after January 1, 1988.
7 Existing facilities licensed for seven or more children shall comply
8 by January 1, 1989.

9 (b) No employee of the state or county employed in the
10 administration of this chapter or employed in a position that is in
11 any way concerned with facilities licensed under this chapter shall
12 hold a license or have a direct or indirect financial interest in a
13 facility described in subdivision (a).

14 The department, by regulation, shall make the determination
15 pursuant to the purposes of this section and chapter, as to what
16 employment is in the administration of this chapter or in any way
17 concerned with facilities licensed under this chapter and what
18 financial interest is direct or indirect.

19 This subdivision does not prohibit the state or county from
20 securing a license for, or operating, a facility that is otherwise
21 required to be licensed under this chapter.

22 (c) (1) No group home, short-term residential therapeutic
23 program, or foster family agency licensee, or employee, member
24 of the board of directors, or officer of a group home, short-term
25 residential therapeutic program, or foster family agency licensee,
26 shall offer gifts or other remuneration of any type to any employee
27 of the State Department of Social Services or placement agency
28 that exceeds the monetary limits for gifts to employees of the State
29 of California pursuant to Title 9 (commencing with Section 81000)
30 of the Government Code and regulations adopted thereunder by
31 the Fair Political Practices Commission.

32 (2) No employee of the department or a placement agency shall
33 accept any gift or other remuneration of any type from a group
34 home, short-term residential therapeutic program, or foster family
35 agency licensee or employee, member of the board of directors,
36 or officer of a group home, short-term residential therapeutic
37 program, or foster family agency licensee that exceeds the
38 monetary limits for gifts to employees of the State of California
39 in Title 9 (commencing with Section 81000) of the Government

1 Code and regulations adopted thereunder by the Fair Political
2 Practices Commission.

3 (3) Violation of this subdivision is punishable as a misdemeanor.
4 SEC. 32. Section 1522.41 of the Health and Safety Code is
5 amended to read:

6 1522.41. (a) (1) The department, in consultation and
7 collaboration with county placement officials, group home provider
8 organizations, the Director of Health Care Services, and the
9 Director of Developmental Services, shall develop and establish
10 an administrator certification training program to ensure that
11 administrators of group home facilities have appropriate training
12 to provide the care and services for which a license or certificate
13 is issued.

14 (2) The department shall develop and establish an administrator
15 certification training program to ensure that administrators of
16 short-term residential therapeutic program facilities have
17 appropriate training to provide the care and services for which a
18 license or certificate is issued.

19 (b) (1) In addition to any other requirements or qualifications
20 required by the department, an administrator of a group home or
21 short-term residential therapeutic program shall successfully
22 complete a specified department-approved training certification
23 program, pursuant to subdivision (c), prior to employment.

24 (2) In those cases when the individual is both the licensee and
25 the administrator of a facility, the individual shall comply with all
26 of the licensee and administrator requirements of this section.

27 (3) Failure to comply with this section shall constitute cause for
28 revocation of the license of the facility.

29 (4) The licensee shall notify the department within 10 days of
30 any change in administrators.

31 (c) (1) The administrator certification programs for group homes
32 shall require a minimum of 40 hours of classroom instruction that
33 provides training on a uniform core of knowledge in each of the
34 following areas:

35 (A) Laws, regulations, and policies and procedural standards
36 that impact the operations of the type of facility for which the
37 applicant will be an administrator.

38 (B) Business operations.

39 (C) Management and supervision of staff.

1 (D) Psychosocial and educational needs of the facility residents,
2 including, but not limited to, the information described in
3 subdivision (d) of Section 16501.4 of the Welfare and Institutions
4 Code.

5 (E) Community and support services.

6 (F) Physical needs of facility residents.

7 (G) Assistance with self-administration, storage, misuse, and
8 interaction of medication used by facility residents.

9 (H) Resident admission, retention, and assessment procedures,
10 including the right of a foster child to have fair and equal access
11 to all available services, placement, care, treatment, and benefits,
12 and to not be subjected to discrimination or harassment on the
13 basis of actual or perceived race, ethnic group identification,
14 ancestry, national origin, color, religion, sex, sexual orientation,
15 gender identity, mental or physical disability, or HIV status.

16 (I) Instruction on cultural competency and sensitivity and related
17 best practices for providing adequate care for children across
18 diverse ethnic and racial backgrounds, as well as children
19 identifying as lesbian, gay, bisexual, or transgender.

20 (J) Nonviolent emergency intervention and reporting
21 requirements.

22 (K) Basic instruction on the existing laws and procedures
23 regarding the safety of foster youth at school and the ensuring of
24 a harassment- and violence-free school environment contained in
25 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
26 19 of Division 1 of Title 1 of the Education Code.

27 (2) The administrator certification programs for short-term
28 residential therapeutic programs shall require a minimum of 40
29 hours of classroom instruction that provides training on a uniform
30 core of knowledge in each of the following areas:

31 (A) Laws, regulations, and policies and procedural standards
32 that impact the operations of the type of facility for which the
33 applicant will be an administrator.

34 (B) Business operations and management and supervision of
35 staff, including staff training.

36 (C) Physical and psychosocial needs of the children, including
37 behavior management, de-escalation techniques, and trauma
38 informed crisis management planning.

39 (D) Permanence, well-being, and educational needs of the
40 children.

1 (E) Community and support services, including accessing local
2 behavioral and mental health supports and interventions, substance
3 use disorder treatments, and culturally relevant services, as
4 appropriate.

5 (F) Understanding the requirements and best practices regarding
6 psychotropic medications, including, but not limited to, court
7 authorization, uses, benefits, side effects, interactions, assistance
8 with self-administration, misuse, documentation, storage, and
9 metabolic monitoring of children prescribed psychotropic
10 medications.

11 (G) Admission, retention, and assessment procedures, including
12 the right of a foster child to have fair and equal access to all
13 available services, placement, care, treatment, and benefits, and
14 to not be subjected to discrimination or harassment on the basis
15 of actual or perceived race, ethnic group identification, ancestry,
16 national origin, color, religion, sex, sexual orientation, gender
17 identity, mental or physical disability, or HIV status.

18 (H) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
19 et seq.), its historical significance, the rights of children covered
20 by the act, and the best interests of Indian children as including
21 culturally appropriate, child-centered practices that respect Native
22 American history, culture, retention of tribal membership, and
23 connection to the tribal community and traditions.

24 (I) Instruction on cultural competency and sensitivity and related
25 best practices for providing adequate care for children across
26 diverse ethnic and racial backgrounds, as well as children
27 identifying as lesbian, gay, bisexual, or transgender.

28 (J) Nonviolent emergency intervention and reporting
29 requirements.

30 (K) Basic instruction on the existing laws and procedures
31 regarding the safety of foster youth at school and the ensuring of
32 a harassment- and violence-free school environment contained in
33 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
34 19 of Division 1 of Title 1 of the Education Code.

35 (d) Administrators who possess a valid group home license,
36 issued by the department, are exempt from completing an approved
37 initial certification training program and taking a written test,
38 provided the individual completes 12 hours of classroom instruction
39 in the following uniform core of knowledge areas:

1 (1) Laws, regulations, and policies and procedural standards
2 that impact the operations of a short-term residential therapeutic
3 program.

4 (2) (A) Authorization, uses, benefits, side effects, interactions,
5 assistance with self-administration, misuse, documentation, and
6 storage of medications.

7 (B) Metabolic monitoring of children prescribed psychotropic
8 medications.

9 (3) Admission, retention, and assessment procedures, including
10 the right of a foster child to have fair and equal access to all
11 available services, placement, care, treatment, and benefits, and
12 to not be subjected to discrimination or harassment on the basis
13 of actual or perceived race, ethnic group identification, ancestry,
14 national origin, color, religion, sex, sexual orientation, gender
15 identity, mental or physical disability, or HIV status.

16 (4) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
17 et seq.), its historical significance, the rights of children covered
18 by the act, and the best interests of Indian children as including
19 culturally appropriate, child-centered practices that respect Native
20 American history, culture, retention of tribal membership, and
21 connection to the tribal community and traditions.

22 (5) Instruction on cultural competency and sensitivity and related
23 best practices for providing adequate care for children across
24 diverse ethnic and racial backgrounds, as well as children
25 identifying as lesbian, gay, bisexual, or transgender.

26 (6) Physical and psychosocial needs of children, including
27 behavior management, deescalation techniques, and trauma
28 informed crisis management planning.

29 (e) Individuals applying for administrator certification under
30 this section shall successfully complete an approved administrator
31 certification training program, pass a written test administered by
32 the department within 60 days of completing the program, and
33 submit to the department the documentation required by
34 subdivision (f) within 30 days after being notified of having passed
35 the test. The department may extend these time deadlines for good
36 cause. The department shall notify the applicant of his or her test
37 results within 30 days of administering the test.

38 (f) The department shall not begin the process of issuing a
39 certificate until receipt of all of the following:

1 (1) A certificate of completion of the administrator training
2 required pursuant to this chapter.

3 (2) The fee required for issuance of the certificate. A fee of one
4 hundred dollars (\$100) shall be charged by the department to cover
5 the costs of processing the application for certification.

6 (3) Documentation from the applicant that he or she has passed
7 the written test.

8 (4) Submission of fingerprints pursuant to Section 1522. The
9 department may waive the submission for those persons who have
10 a current clearance on file.

11 (5) That person is at least 21 years of age.

12 (g) It shall be unlawful for any person not certified under this
13 section to hold himself or herself out as a certified administrator
14 of a group home or short-term residential therapeutic program.
15 Any person willfully making any false representation as being a
16 certified administrator or facility manager is guilty of a
17 misdemeanor.

18 (h) (1) Certificates issued under this section shall be renewed
19 every two years and renewal shall be conditional upon the
20 certificate holder submitting documentation of completion of 40
21 hours of continuing education related to the core of knowledge
22 specified in subdivision (c). No more than one-half of the required
23 40 hours of continuing education necessary to renew the certificate
24 may be satisfied through online courses. All other continuing
25 education hours shall be completed in a classroom setting. For
26 purposes of this section, an individual who is a group home or
27 short-term residential therapeutic program administrator and who
28 is required to complete the continuing education hours required
29 by the regulations of the State Department of Developmental
30 Services, and approved by the regional center, may have up to 24
31 of the required continuing education course hours credited toward
32 the 40-hour continuing education requirement of this section. The
33 department shall accept for certification, community college course
34 hours approved by the regional centers.

35 (2) Every administrator of a group home or short-term residential
36 therapeutic program shall complete the continuing education
37 requirements of this subdivision.

38 (3) Certificates issued under this section shall expire every two
39 years on the anniversary date of the initial issuance of the
40 certificate, except that any administrator receiving his or her initial

1 certification on or after July 1, 1999, shall make an irrevocable
2 election to have his or her recertification date for any subsequent
3 recertification either on the date two years from the date of issuance
4 of the certificate or on the individual's birthday during the second
5 calendar year following certification. The department shall send
6 a renewal notice to the certificate holder 90 days prior to the
7 expiration date of the certificate. If the certificate is not renewed
8 prior to its expiration date, reinstatement shall only be permitted
9 after the certificate holder has paid a delinquency fee equal to three
10 times the renewal fee and has provided evidence of completion of
11 the continuing education required.

12 (4) To renew a certificate, the certificate holder shall, on or
13 before the certificate expiration date, request renewal by submitting
14 to the department documentation of completion of the required
15 continuing education courses and pay the renewal fee of one
16 hundred dollars (\$100), irrespective of receipt of the department's
17 notification of the renewal. A renewal request postmarked on or
18 before the expiration of the certificate shall be proof of compliance
19 with this paragraph.

20 (5) A suspended or revoked certificate shall be subject to
21 expiration as provided for in this section. If reinstatement of the
22 certificate is approved by the department, the certificate holder,
23 as a condition precedent to reinstatement, shall submit proof of
24 compliance with paragraphs (1) and (2) of this subdivision, and
25 shall pay a fee in an amount equal to the renewal fee, plus the
26 delinquency fee, if any, accrued at the time of its revocation or
27 suspension. Delinquency fees, if any, accrued subsequent to the
28 time of its revocation or suspension and prior to an order for
29 reinstatement, shall be waived for a period of 12 months to allow
30 the individual sufficient time to complete the required continuing
31 education units and to submit the required documentation.
32 Individuals whose certificates will expire within 90 days after the
33 order for reinstatement may be granted a three-month extension
34 to renew their certificates during which time the delinquency fees
35 shall not accrue.

36 (6) A certificate that is not renewed within four years after its
37 expiration shall not be renewed, restored, reissued, or reinstated
38 except upon completion of a certification training program, passing
39 any test that may be required of an applicant for a new certificate

1 at that time, and paying the appropriate fees provided for in this
2 section.

3 (7) A fee of twenty-five dollars (\$25) shall be charged for the
4 reissuance of a lost certificate.

5 (8) A certificate holder shall inform the department of his or
6 her employment status and change of mailing address within 30
7 days of any change.

8 (i) Unless otherwise ordered by the department, the certificate
9 shall be considered forfeited under either of the following
10 conditions:

11 (1) The department has revoked any license held by the
12 administrator after the department issued the certificate.

13 (2) The department has issued an exclusion order against the
14 administrator pursuant to Section 1558, 1568.092, 1569.58, or
15 1596.8897, after the department issued the certificate, and the
16 administrator did not appeal the exclusion order or, after the appeal,
17 the department issued a decision and order that upheld the
18 exclusion order.

19 (j) (1) The department, in consultation and collaboration with
20 county placement officials, provider organizations, the State
21 Department of Health Care Services, and the State Department of
22 Developmental Services, shall establish, by regulation, the program
23 content, the testing instrument, the process for approving
24 administrator certification training programs, and criteria to be
25 used in authorizing individuals, organizations, or educational
26 institutions to conduct certification training programs and
27 continuing education courses. The department may also grant
28 continuing education hours for continuing courses offered by
29 accredited educational institutions that are consistent with the
30 requirements in this section. The department may deny vendor
31 approval to any agency or person in any of the following
32 circumstances:

33 (A) The applicant has not provided the department with evidence
34 satisfactory to the department of the ability of the applicant to
35 satisfy the requirements of vendorization set out in the regulations
36 adopted by the department.

37 (B) The applicant person or agency has a conflict of interest in
38 that the person or agency places its clients in group homes or
39 short-term residential therapeutic programs.

1 (C) The applicant public or private agency has a conflict of
2 interest in that the agency is mandated to place clients in group
3 homes or short-term residential therapeutic programs and to pay
4 directly for the services. The department may deny vendorization
5 to this type of agency only as long as there are other vendor
6 programs available to conduct the certification training programs
7 and conduct education courses.

8 (2) The department may authorize vendors to conduct the
9 administrator's certification training program pursuant to this
10 section. The department shall conduct the written test pursuant to
11 regulations adopted by the department.

12 (3) The department shall prepare and maintain an updated list
13 of approved training vendors.

14 (4) The department may inspect administrator certification
15 training programs and continuing education courses, including
16 online courses, at no charge to the department, to determine if
17 content and teaching methods comply with regulations. If the
18 department determines that any vendor is not complying with the
19 requirements of this section, the department shall take appropriate
20 action to bring the program into compliance, which may include
21 removing the vendor from the approved list.

22 (5) The department shall establish reasonable procedures and
23 timeframes not to exceed 30 days for the approval of vendor
24 training programs.

25 (6) The department may charge a reasonable fee, not to exceed
26 one hundred fifty dollars (\$150) every two years, to certification
27 program vendors for review and approval of the initial 40-hour
28 training program pursuant to subdivision (c). The department may
29 also charge the vendor a fee, not to exceed one hundred dollars
30 (\$100) every two years, for the review and approval of the
31 continuing education courses needed for recertification pursuant
32 to this subdivision.

33 (7) (A) A vendor of online programs for continuing education
34 shall ensure that each online course contains all of the following:

35 (i) An interactive portion in which the participant receives
36 feedback, through online communication, based on input from the
37 participant.

38 (ii) Required use of a personal identification number or personal
39 identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this clause that he or she knows to be false is guilty of a misdemeanor.

(B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.

(k) The department shall establish a registry for holders of certificates that shall include, at a minimum, information on employment status and criminal record clearance.

(l) Notwithstanding any law to the contrary, vendors approved by the department who exclusively provide either initial or continuing education courses for certification of administrators of a group home or short-term residential therapeutic program as defined by regulations of the department, an adult residential facility as defined by regulations of the department, or a residential care facility for the elderly as defined in subdivision (k) of Section 1569.2, shall be regulated solely by the department pursuant to this chapter. No other state or local governmental entity shall be responsible for regulating the activity of those vendors.

SEC. 33. Section 1522.43 of the Health and Safety Code is amended to read:

1522.43. (a) (1) For the duties the department imposes on a group home administrator or short-term residential therapeutic program administrator in this chapter and in regulations adopted by the department, every group home and short-term residential therapeutic program shall state in its plan of operation, the number of hours per week that the administrator shall spend completing those duties and how the group home administrator or short-term residential therapeutic program administrator shall accomplish those duties, including use of support personnel.

1 (2) For initial applicants, the information in paragraph (1) shall
2 be contained in the plan of operation submitted to the department
3 in the application.

4 (3) For current licensees, the licensee shall submit an amended
5 plan of operation that contains the information required by
6 paragraph (1) within six months of the effective date of this section.
7 For changes in the group home administrator duties imposed by
8 the department in this chapter or in regulations, a current licensee
9 shall have six months after the effective date of those duties to
10 submit an amended plan of operation to reflect the new
11 administrator duties.

12 (b) (1) The department may review a group home's or
13 short-term residential therapeutic program's plan of operation to
14 determine if the plan of operation is sufficient to ensure that the
15 facility will operate in compliance with applicable licensing laws
16 and regulations. As part of the review, the department may request
17 that a peer review panel review the plan of operation for a group
18 home as prescribed in paragraph (2), or for a short-term residential
19 therapeutic program as prescribed in paragraph (3).

20 (2) The peer review panel shall consist of two representatives
21 from the department, including one from the unit that governs
22 programs and one from the unit that governs licensing, a qualified
23 group home administrator, an experienced group home provider
24 in good standing, and a member or members from the placement
25 agency or agencies that place children in group homes, and may
26 also include the local county behavioral health department, as
27 appropriate.

28 (3) The peer review panel shall consist of two representatives
29 from the department, including one from the unit that governs
30 programs and one from the unit that governs licensing, a qualified
31 short-term residential therapeutic program administrator, a
32 short-term residential therapeutic program provider in good
33 standing, and a member or members from the placement agency
34 or agencies that place children in short-term residential therapeutic
35 programs, and may also include the local county behavioral health
36 department, as appropriate.

37 (c) A group home or short-term residential therapeutic program
38 shall develop a daily schedule of activities for the children at the
39 facility. The facility shall have this schedule available for
40 inspection by the department. The activities in which the children

1 are scheduled to participate shall be designed to meet the needs of
2 the individual child, and shall be based on that child's needs and
3 services plan.

4 (d) The department shall establish a process, no later than
5 January 1, 2017, for convening the peer review panel as set forth
6 in subdivision (b) for review of the plans of operation for
7 short-term residential therapeutic programs, and shall develop this
8 process in consultation with the County Welfare Directors
9 Association of California, Chief Probation Officers of California,
10 County Behavioral Health Directors Association of California,
11 and stakeholders.

12 SEC. 34. Section 1522.44 of the Health and Safety Code is
13 amended to read:

14 1522.44. (a) It is the policy of the state that caregivers of
15 children in foster care possess knowledge and skills relating to the
16 reasonable and prudent parent standard, as defined in subdivision
17 (c) of Section 362.05 of the Welfare and Institutions Code.

18 (b) Except for licensed foster family homes, certified family
19 homes, and resource families approved by a foster family agency,
20 each licensed community care facility that provides care and
21 supervision to children and operates with staff shall designate at
22 least one onsite staff member to apply the reasonable and prudent
23 parent standard to decisions involving the participation of a child
24 who is placed in the facility in age or developmentally appropriate
25 activities in accordance with the requirements of Section 362.05
26 of the Welfare and Institutions Code, Section 671(a)(10) of Title
27 42 of the United States Code, and the regulations adopted by the
28 department pursuant to this chapter.

29 (c) A licensed and certified foster parent, resource family, or
30 facility staff member, as described in subdivision (b), shall receive
31 training related to the reasonable and prudent parent standard that
32 is consistent with Section 671(a)(24) of Title 42 of the United
33 States Code. This training shall include knowledge and skills
34 relating to the reasonable and prudent parent standard for the
35 participation of the child in age or developmentally appropriate
36 activities, including knowledge and skills relating to the
37 developmental stages of the cognitive, emotional, physical, and
38 behavioral capacities of a child, and knowledge and skills relating
39 to applying the standard to decisions such as whether to allow the
40 child to engage in extracurricular, enrichment, cultural, and social

1 activities, including sports, field trips, and overnight activities
2 lasting one or more days, and to decisions involving the signing
3 of permission slips and arranging of transportation for the child to
4 and from extracurricular, enrichment, and social activities.

5 (d) This section does not apply to runaway and homeless youth
6 shelters as defined in paragraph (14) of subdivision (a) of Section
7 1502.

8 *SEC. 34.5. Section 1522.44 of the Health and Safety Code is*
9 *amended to read:*

10 1522.44. (a) It is the policy of the state that caregivers of
11 children in foster care possess knowledge and skills relating to the
12 reasonable and prudent parent standard, as defined in subdivision
13 (c) of Section 362.05 of the Welfare and Institutions Code.

14 (b) Except for licensed foster family ~~homes and homes~~, certified
15 family homes, *and resource families approved by a foster family*
16 *agency*, each licensed community care facility that provides care
17 and supervision to children and operates with staff shall designate
18 at least one onsite staff member to apply the reasonable and prudent
19 parent standard to decisions involving the participation of a child
20 who is placed in the facility in age or developmentally appropriate
21 activities in accordance with the requirements of Section 362.05
22 of the Welfare and Institutions Code, Section 671(a)(10) of Title
23 42 of the United States Code, and the regulations adopted by the
24 department pursuant to this chapter.

25 (c) A licensed and certified foster ~~parent~~ *parent, resource family,*
26 *or facility staff member*, as described in subdivision (b), shall
27 receive training related to the reasonable and prudent parent
28 standard that is consistent with Section 671(a)(24) of Title 42 of
29 the United States Code. This training shall include knowledge and
30 skills relating to the reasonable and prudent parent standard for
31 the participation of the child in age or developmentally appropriate
32 activities, including knowledge and skills relating to the
33 developmental stages of the cognitive, emotional, physical, and
34 behavioral capacities of a child, and knowledge and skills relating
35 to applying the standard to decisions such as whether to allow the
36 child to engage in extracurricular, enrichment, cultural, and social
37 activities, including sports, field trips, and overnight activities
38 lasting one or more days, and to decisions involving the signing
39 of permission slips and arranging of transportation for the child to
40 and from extracurricular, enrichment, and social activities.

(d) This section does not apply to *a runaway and homeless youth shelters as defined in paragraph (14) of shelter, a private alternative boarding school, or a private alternative outdoor program, as those terms are defined, respectively*, in subdivision (a) of Section 1502.

SEC. 35. Section 1523.1 of the Health and Safety Code is amended to read:

1523.1. (a) (1) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows, subject to paragraph (2):

Fee Schedule				
Facility Type	Capacity	Initial Application	Annual	
Foster Family and Adoption Agencies Adult Day Programs		\$3,025	\$1,513	
	1–15	\$182	\$91	
	16–30	\$303	\$152	
	31–60	\$605	\$303	
	61–75	\$758	\$378	
	76–90	\$908	\$454	
	91–120	\$1,210	\$605	
	121+	\$1,513	\$757	
Other Community Care Facilities	1–3	\$454	\$454	
	4–6	\$908	\$454	
	7–15	\$1,363	\$681	
	16–30	\$1,815	\$908	
	31–49	\$2,270	\$1,135	
	50–74	\$2,725	\$1,363	
	75–100	\$3,180	\$1,590	
	101–150	\$3,634	\$1,817	
	151–200	\$4,237	\$2,119	
	201–250	\$4,840	\$2,420	
	251–300	\$5,445	\$2,723	
	301–350	\$6,050	\$3,025	

1	351-400	\$6,655	\$3,328
2	401-500	\$7,865	\$3,933
3	501-600	\$9,075	\$4,538
4	601-700	\$10,285	\$5,143
5	701+	\$12,100	\$6,050

(2) (A) The Legislature finds that all revenues generated by fees for licenses computed under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.

(B) The department, at least every five years, shall analyze initial application fees and annual fees issued by it to ensure the appropriate fee amounts are charged. The department shall recommend to the Legislature that fees established by the Legislature be adjusted as necessary to ensure that the amounts are appropriate.

(b) (1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of fifty dollars (\$50) for attendance by any individual at a department-sponsored orientation session.

(E) A probation monitoring fee equal to the current annual fee, in addition to the current annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established current annual fee when any licensee fails to pay the

1 current annual licensing fee on or before the due date as indicated
2 by postmark on the payment.

3 (G) A fee to cover any costs incurred by the department for
4 processing payments including, but not limited to, bounced check
5 charges, charges for credit and debit transactions, and postage due
6 charges.

7 (H) A plan of correction fee of two hundred dollars (\$200) when
8 any licensee does not implement a plan of correction on or prior
9 to the date specified in the plan.

10 (2) Foster family homes and resource family homes approved
11 by a foster family agency shall be exempt from the fees imposed
12 pursuant to this subdivision.

13 (3) Foster family agencies shall be annually assessed
14 eighty-eight dollars (\$88) for each certified family home and
15 resource family certified or approved by the agency.

16 (4) No local jurisdiction shall impose any business license, fee,
17 or tax for the privilege of operating a facility licensed under this
18 chapter which serves six or fewer persons.

19 (c) (1) The revenues collected from licensing fees pursuant to
20 this section shall be utilized by the department for the purpose of
21 ensuring the health and safety of all individuals provided care and
22 supervision by licensees and to support activities of the licensing
23 program, including, but not limited to, monitoring facilities for
24 compliance with licensing laws and regulations pursuant to this
25 chapter, and other administrative activities in support of the
26 licensing program, when appropriated for these purposes. The
27 revenues collected shall be used in addition to any other funds
28 appropriated in the Budget Act in support of the licensing program.
29 The department shall adjust the fees collected pursuant to this
30 section as necessary to ensure that they do not exceed the costs
31 described in this paragraph.

32 (2) The department shall not utilize any portion of these revenues
33 sooner than 30 days after notification in writing of the purpose
34 and use of this revenue, as approved by the Director of Finance,
35 to the Chairperson of the Joint Legislative Budget Committee, and
36 the chairpersons of the committee in each house that considers
37 appropriations for each fiscal year. The department shall submit
38 a budget change proposal to justify any positions or any other
39 related support costs on an ongoing basis.

(d) A facility may use a bona fide business check to pay the license fee required under this section.

(e) The failure of an applicant or licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.

SEC. 35.5. Section 1523.1 of the Health and Safety Code is amended to read:

1523.1. (a) (1) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows, subject to paragraph (2):

Fee Schedule				
Facility Type	Capacity	Initial Application	Annual	
Foster Family and Adoption Agencies Adult Day Programs		\$3,025	\$1,513	
	1–15	\$182	\$91	
	16–30	\$303	\$152	
	31–60	\$605	\$303	
	61–75	\$758	\$378	
	76–90	\$908	\$454	
	91–120	\$1,210	\$605	
	121+	\$1,513	\$757	
Other Community Care Facilities	1–3	\$454	\$454	
	4–6	\$908	\$454	
	7–15	\$1,363	\$681	
	16–30	\$1,815	\$908	
	31–49	\$2,270	\$1,135	
	50–74	\$2,725	\$1,363	
	75–100	\$3,180	\$1,590	
	101–150	\$3,634	\$1,817	
	151–200	\$4,237	\$2,119	
	201–250	\$4,840	\$2,420	
	251–300	\$5,445	\$2,723	
	301–350	\$6,050	\$3,025	

1	351–400	\$6,655	\$3,328
2	401–500	\$7,865	\$3,933
3	501–600	\$9,075	\$4,538
4	601–700	\$10,285	\$5,143
5	701+	\$12,100	\$6,050

6
7 (2) (A) The Legislature finds that all revenues generated by
8 fees for licenses computed under this section and used for the
9 purposes for which they were imposed are not subject to Article
10 XIII B of the California Constitution.

11 (B) The department, at least every five years, shall analyze
12 initial application fees and annual fees issued by it to ensure the
13 appropriate fee amounts are charged. The department shall
14 recommend to the Legislature that fees established by the
15 Legislature be adjusted as necessary to ensure that the amounts
16 are appropriate.

17 (b) (1) In addition to fees set forth in subdivision (a), the
18 department shall charge the following fees:

19 (A) A fee that represents 50 percent of an established application
20 fee when an existing licensee moves the facility to a new physical
21 address.

22 (B) A fee that represents 50 percent of the established
23 application fee when a corporate licensee changes who has the
24 authority to select a majority of the board of directors.

25 (C) A fee of twenty-five dollars (\$25) when an existing licensee
26 seeks to either increase or decrease the licensed capacity of the
27 facility.

28 (D) An orientation fee of fifty dollars (\$50) for attendance by
29 any individual at a department-sponsored orientation session.

30 (E) A probation monitoring fee equal to the current annual fee,
31 in addition to the current annual fee for that category and capacity
32 for each year a license has been placed on probation as a result of
33 a stipulation or decision and order pursuant to the administrative
34 adjudication procedures of the Administrative Procedure Act
35 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
36 (commencing with Section 11500) of Part 1 of Division 3 of Title
37 2 of the Government Code).

38 (F) A late fee that represents an additional 50 percent of the
39 established current annual fee when any licensee fails to pay the

1 current annual licensing fee on or before the due date as indicated
2 by postmark on the payment.

3 (G) A fee to cover any costs incurred by the department for
4 processing payments including, but not limited to, bounced check
5 charges, charges for credit and debit transactions, and postage due
6 charges.

7 (H) A plan of correction fee of two hundred dollars (\$200) when
8 any licensee does not implement a plan of correction on or prior
9 to the date specified in the plan.

10 (I) *Additional fees established by the department by regulation*
11 *for private alternative boarding schools and private alternative*
12 *outdoor programs, as necessary to regulate those licensees.*

13 (2) Foster family homes *and resource family homes approved*
14 *by a foster family agency* shall be exempt from the fees imposed
15 pursuant to this subdivision.

16 (3) Foster family agencies shall be annually assessed
17 eighty-eight dollars (\$88) for each ~~home-certified~~ *certified family*
18 *home and resource family certified or approved* by the agency.

19 (4) No local jurisdiction shall impose any business license, fee,
20 or tax for the privilege of operating a facility licensed under this
21 chapter which serves six or fewer persons.

22 (c) (1) The revenues collected from licensing fees pursuant to
23 this section shall be utilized by the department for the purpose of
24 ensuring the health and safety of all individuals provided care and
25 supervision by licensees and to support activities of the licensing
26 program, including, but not limited to, monitoring facilities for
27 compliance with licensing laws and regulations pursuant to this
28 chapter, and other administrative activities in support of the
29 licensing program, when appropriated for these purposes. The
30 revenues collected shall be used in addition to any other funds
31 appropriated in the Budget Act in support of the licensing program.
32 The department shall adjust the fees collected pursuant to this
33 section as necessary to ensure that they do not exceed the costs
34 described in this paragraph.

35 (2) The department shall not utilize any portion of these revenues
36 sooner than 30 days after notification in writing of the purpose
37 and use of this revenue, as approved by the Director of Finance,
38 to the Chairperson of the Joint Legislative Budget Committee, and
39 the chairpersons of the committee in each house that considers
40 appropriations for each fiscal year. The department shall submit

1 a budget change proposal to justify any positions or any other
2 related support costs on an ongoing basis.

3 (d) A facility may use a bona fide business check to pay the
4 license fee required under this section.

5 (e) The failure of an applicant or licensee to pay all applicable
6 and accrued fees and civil penalties shall constitute grounds for
7 denial or forfeiture of a license.

8 SEC. 36. Section 1524.6 of the Health and Safety Code is
9 amended to read:

10 1524.6. (a) In addition to any other requirement of this chapter,
11 any group home or short-term residential therapeutic program, as
12 defined by regulations of the department, providing care for any
13 number of persons, that is not already subject to the requirements
14 of Section 1524.5, shall provide a procedure approved by the
15 licensing agency for immediate response to incidents and
16 complaints, as defined by regulations of the department. This
17 procedure shall include a method of ensuring that the owner,
18 licensee, or person designated by the owner or licensee is notified
19 of the incident or complaint, that the owner, licensee, or person
20 designated by the owner or licensee has personally investigated
21 the matter, and that the person making the complaint or reporting
22 the incident has received a written response, within 30 days of
23 receiving the complaint, of action taken, or a reason why no action
24 needs to be taken.

25 (b) In order to ensure the opportunity for complaints to be made
26 directly to the owner, licensee, or person designated by the owner
27 or licensee, and to provide the opportunity for the owner, licensee,
28 or person designated by the owner or licensee to meet
29 neighborhood residents and learn of problems in the neighborhood,
30 any group home or short-term residential therapeutic program shall
31 establish a fixed time on a periodic basis when the owner, licensee,
32 or person designated by the owner or licensee will be present. At
33 this fixed time, information shall be provided to neighborhood
34 residents of the complaint procedure pursuant to Section 1538.

35 (c) Facilities shall establish procedures to comply with the
36 requirements of this section on or before July 1, 2005.

37 (d) This section shall not apply to family homes certified by
38 foster family agencies, foster family homes, and small family
39 homes. It is not the intent of the Legislature that this section be
40 applied in a way that is contrary to the child's best interests.

1 SEC. 37. Section 1525.5 of the Health and Safety Code is
2 amended to read:

3 1525.5. (a) The department may issue provisional licenses to
4 operate community care facilities for facilities that it determines
5 are in substantial compliance with this chapter and the rules and
6 regulations adopted pursuant to this chapter, provided that no life
7 safety risks are involved, as determined by the department. In
8 determining whether any life safety risks are involved, the
9 department shall require completion of all applicable fire clearances
10 and criminal record clearances as otherwise required by the
11 department's rules and regulations. The provisional license shall
12 expire six months from the date of issuance, or at any earlier time
13 as the department may determine, and may not be renewed.
14 However, the department may extend the term of a provisional
15 license for an additional six months at time of application, if it is
16 determined that more than six months will be required to achieve
17 full compliance with licensing standards due to circumstances
18 beyond the control of the applicant, provided all other requirements
19 for a license have been met.

20 (b) This section shall not apply to foster family homes.

21 SEC. 38. Section 1530.7 of the Health and Safety Code is
22 amended to read:

23 1530.7. (a) Group homes, short-term residential therapeutic
24 programs, foster family agencies, small family homes, transitional
25 housing placement providers, and crisis nurseries licensed pursuant
26 to this chapter shall maintain a smoke-free environment in the
27 facility.

28 (b) A person who is licensed or certified pursuant to this chapter
29 to provide residential care in a foster family home or certified
30 family home shall not smoke a tobacco product or permit any other
31 person to smoke a tobacco product inside the facility, and, when
32 the child is present, on the outdoor grounds of the facility.

33 (c) A person who is licensed or certified pursuant to this chapter
34 to provide residential foster care shall not smoke a tobacco product
35 in any motor vehicle that is regularly used to transport the child.

36 (d) For purposes of this section, "smoke" has the same meaning
37 as in subdivision (c) of Section 22950.5 of the Business and
38 Professions Code.

1 (e) For purposes of this section, “tobacco product” means a
2 product or device as defined in subdivision (d) of Section 22950.5
3 of the Business and Professions Code.

4 SEC. 39. Section 1530.8 of the Health and Safety Code is
5 amended to read:

6 1530.8. (a) (1) The department shall adopt regulations for
7 community care facilities licensed as group homes, and for
8 temporary shelter care facilities as defined in subdivision (c), that
9 care for dependent children, children placed by a regional center,
10 or voluntary placements, who are younger than six years of age.
11 The department shall adopt regulations that apply to short-term
12 residential therapeutic programs that care for children younger
13 than six years of age. The regulations shall include the standards
14 set forth in subdivision (c) of Section 11467.1 of the Welfare and
15 Institutions Code.

16 (2) The department shall adopt regulations under this section
17 that apply to minor parent programs serving children younger than
18 six years of age who reside in a group home with a minor parent
19 who is the primary caregiver of the child. The department shall
20 adopt regulations under this section that apply to short-term
21 residential therapeutic programs that provide minor parent
22 programs serving children younger than six years of age.

23 (3) To the extent that the department determines they are
24 necessary, the department shall adopt regulations under this section
25 that apply to group homes or short-term residential therapeutic
26 programs that care for dependent children who are 6 to 12 years
27 of age, inclusive. In order to determine whether such regulations
28 are necessary, and what any resulting standards should include,
29 the department shall consult with interested parties that include,
30 but are not limited to, representatives of current and former foster
31 youth, advocates for children in foster care, county welfare and
32 mental health directors, chief probation officers, representatives
33 of care providers, experts in child development, and representatives
34 of the Legislature. The standards may provide normative guidelines
35 differentiated by the needs specific to children in varying age
36 ranges that fall between 6 and 12 years of age, inclusive. Prior to
37 adopting regulations, the department shall submit for public
38 comment, by July 1, 2017, any proposed regulations.

39 (b) The regulations shall include physical environment standards,
40 including staffing and health and safety requirements, that meet

1 or exceed state child care standards under Title 5 and Title 22 of
2 the California Code of Regulations.

3 (c) For purposes of this section, a “temporary shelter care
4 facility” means any residential facility that meets all of the
5 following requirements:

6 (1) It is owned and operated by the county or on behalf of a
7 county by a private, nonprofit agency.

8 (2) It is a 24-hour facility that provides no more than 10 calendar
9 days of residential care and supervision for children under 18 years
10 of age who have been removed from their homes as a result of
11 abuse or neglect, as defined in Section 300 of the Welfare and
12 Institutions Code, or both.

13 (d) (1) The department may license a temporary shelter care
14 facility pursuant to this chapter on or after January 1, 2016. A
15 temporary shelter care license may be issued only to a county
16 operating a licensed group home, or to an agency on behalf of a
17 county, as of January 1, 2016.

18 (2) The department shall consult with counties that operate these
19 shelters as licensed group homes to develop a transition plan for
20 the development of temporary shelter care facilities to address the
21 unique circumstances and needs of the populations they serve,
22 while remaining consistent with the principles of the act that added
23 this subdivision.

24 (3) These transition plans shall describe circumstances under
25 which children will be admitted for a period in excess of 24 hours
26 and reflect necessary staffing levels or staffing transitions.

27 (e) (1) A group home license issued to a county will be forfeited
28 by operation of law upon receipt of a license to operate a temporary
29 shelter care facility as described in Section 11462.022 of the
30 Welfare and Institutions Code.

31 (2) Nothing in this subdivision shall preclude a county from
32 applying for and being licensed as a short-term residential
33 therapeutic program pursuant to Section 1562.01 or a runaway and
34 homeless youth shelter pursuant to Section 1502.35, or a foster
35 family agency as authorized by subdivision (b) of Section 11462.02
36 of the Welfare and Institutions Code.

37 SEC. 40. Section 1531.1 of the Health and Safety Code is
38 amended to read:

39 1531.1. (a) A residential facility licensed as an adult residential
40 facility, group home, short-term residential therapeutic program,

1 small family home, foster family home, or a family home certified
2 by a foster family agency may install and utilize delayed egress
3 devices of the time delay type.

4 (b) As used in this section, “delayed egress device” means a
5 device that precludes the use of exits for a predetermined period
6 of time. These devices shall not delay any resident’s departure
7 from the facility for longer than 30 seconds.

8 (c) Within the 30 seconds of delay, facility staff may attempt
9 to redirect a resident who attempts to leave the facility.

10 (d) Any person accepted by a residential facility or family home
11 certified by a foster family agency utilizing delayed egress devices
12 shall meet all of the following conditions:

13 (1) The person shall have a developmental disability as defined
14 in Section 4512 of the Welfare and Institutions Code.

15 (2) The person shall be receiving services and case management
16 from a regional center under the Lanterman Developmental
17 Disabilities Services Act (Division 4.5 (commencing with Section
18 4500) of the Welfare and Institutions Code).

19 (3) An interdisciplinary team, through the Individual Program
20 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and
21 Institutions Code, shall have determined that the person lacks
22 hazard awareness or impulse control and requires the level of
23 supervision afforded by a facility equipped with delayed egress
24 devices, and that but for this placement, the person would be at
25 risk of admission to, or would have no option but to remain in, a
26 more restrictive state hospital or state developmental center
27 placement.

28 (e) The facility shall be subject to all fire and building codes,
29 regulations, and standards applicable to residential care facilities
30 for the elderly utilizing delayed egress devices, and shall receive
31 approval by the county or city fire department, the local fire
32 prevention district, or the State Fire Marshal for the installed
33 delayed egress devices.

34 (f) The facility shall provide staff training regarding the use and
35 operation of the egress control devices utilized by the facility,
36 protection of residents’ personal rights, lack of hazard awareness
37 and impulse control behavior, and emergency evacuation
38 procedures.

39 (g) The facility shall develop a plan of operation approved by
40 the State Department of Social Services that includes a description

1 of how the facility is to be equipped with egress control devices
2 that are consistent with regulations adopted by the State Fire
3 Marshal pursuant to Section 13143.

4 (h) The plan shall include, but shall not be limited to, all of the
5 following:

6 (1) A description of how the facility will provide training for
7 staff regarding the use and operation of the egress control devices
8 utilized by the facility.

9 (2) A description of how the facility will ensure the protection
10 of the residents' personal rights consistent with Sections 4502,
11 4503, and 4504 of the Welfare and Institutions Code.

12 (3) A description of how the facility will manage the person's
13 lack of hazard awareness and impulse control behavior.

14 (4) A description of the facility's emergency evacuation
15 procedures.

16 (i) Delayed egress devices shall not substitute for adequate staff.
17 Except for facilities operating in accordance with Section 1531.15,
18 the capacity of the facility shall not exceed six residents.

19 (j) Emergency fire and earthquake drills shall be conducted at
20 least once every three months on each shift, and shall include all
21 facility staff providing resident care and supervision on each shift.

22 SEC. 41. Section 1531.15 of the Health and Safety Code is
23 amended to read:

24 1531.15. (a) A licensee of an adult residential facility,
25 short-term residential therapeutic program, or group home for no
26 more than six residents, except for the larger facilities provided
27 for in paragraph (1) of subdivision (k), that is utilizing delayed
28 egress devices pursuant to Section 1531.1, may install and utilize
29 secured perimeters in accordance with the provisions of this
30 section.

31 (b) As used in this section, "secured perimeters" means fences
32 that meet the requirements prescribed by this section.

33 (c) Only individuals meeting all of the following conditions
34 may be admitted to or reside in a facility described in subdivision
35 (a) utilizing secured perimeters:

36 (1) The person shall have a developmental disability as defined
37 in Section 4512 of the Welfare and Institutions Code.

38 (2) The person shall be receiving services and case management
39 from a regional center under the Lanterman Developmental

1 Disabilities Services Act (Division 4.5 (commencing with Section
2 4500) of the Welfare and Institutions Code).

3 (3) (A) The person shall be 14 years of age or older, except as
4 specified in subparagraph (B).

5 (B) Notwithstanding subparagraph (A), a child who is at least
6 10 years of age and less than 14 years of age may be placed in a
7 licensed group home described in subdivision (a) using secured
8 perimeters only if both of the following occur:

9 (i) A comprehensive assessment is conducted and an individual
10 program plan meeting is convened to determine the services and
11 supports needed for the child to receive services in a less restrictive,
12 unlocked residential setting in California, and the regional center
13 requests assistance from the State Department of Developmental
14 Services' statewide specialized resource service to identify options
15 to serve the child in a less restrictive, unlocked residential setting
16 in California.

17 (ii) The regional center requests placement of the child in a
18 licensed group home described in subdivision (a) using secured
19 perimeters on the basis that the placement is necessary to prevent
20 out-of-state placement or placement in a more restrictive, locked
21 residential setting such as a developmental center, institution for
22 mental disease or psychiatric facility, and the State Department of
23 Developmental Services approves the request.

24 (4) The person is not a foster child under the jurisdiction of the
25 juvenile court pursuant to Section 300, 450, 601, or 602 of the
26 Welfare and Institutions Code.

27 (5) (A) An interdisciplinary team, through the individual
28 program plan (IPP) process pursuant to Section 4646.5 of the
29 Welfare and Institutions Code, shall have determined the person
30 lacks hazard awareness or impulse control and, for his or her safety
31 and security, requires the level of supervision afforded by a facility
32 equipped with secured perimeters, and, but for this placement, the
33 person would be at risk of admission to, or would have no option
34 but to remain in, a more restrictive placement. The individual
35 program planning team shall convene every 90 days after admission
36 to determine and document the continued appropriateness of the
37 current placement and progress in implementing the transition
38 plan.

39 (B) The clients' rights advocate for the regional center shall be
40 notified of the proposed admission and the individual program

1 plan meeting and may participate in the individual program plan
2 meeting unless the consumer objects on his or her own behalf.

3 (d) The licensee shall be subject to all applicable fire and
4 building codes, regulations, and standards, and shall receive
5 approval by the county or city fire department, the local fire
6 prevention district, or the State Fire Marshal for the installed
7 secured perimeters.

8 (e) The licensee shall provide staff training regarding the use
9 and operation of the secured perimeters, protection of residents'
10 personal rights, lack of hazard awareness and impulse control
11 behavior, and emergency evacuation procedures.

12 (f) The licensee shall revise its facility plan of operation. These
13 revisions shall first be approved by the State Department of
14 Developmental Services. The plan of operation shall not be
15 approved by the State Department of Social Services unless the
16 licensee provides certification that the plan was approved by the
17 State Department of Developmental Services. The plan shall
18 include, but not be limited to, all of the following:

19 (1) A description of how the facility is to be equipped with
20 secured perimeters that are consistent with regulations adopted by
21 the State Fire Marshal pursuant to Section 13143.6.

22 (2) A description of how the facility will provide training for
23 staff.

24 (3) A description of how the facility will ensure the protection
25 of the residents' personal rights consistent with Sections 4502,
26 4503, and 4504 of the Welfare and Institutions Code, and any
27 applicable personal rights provided in Title 22 of the California
28 Code of Regulations.

29 (4) A description of how the facility will manage residents' lack
30 of hazard awareness and impulse control behavior, which shall
31 emphasize positive behavioral supports and techniques that are
32 alternatives to physical, chemical, or mechanical restraints, or
33 seclusion.

34 (5) A description of the facility's emergency evacuation
35 procedures.

36 (6) A description of how the facility will comply with applicable
37 health and safety standards.

38 (g) Secured perimeters shall not substitute for adequate staff.

39 (h) Emergency fire and earthquake drills shall be conducted on
40 each shift in accordance with existing licensing requirements, and

1 shall include all facility staff providing resident care and
2 supervision on each shift.

3 (i) Interior and exterior space shall be available on the facility
4 premises to permit clients to move freely and safely.

5 (j) For the purpose of using secured perimeters, the licensee
6 shall not be required to obtain a waiver or exception to a regulation
7 that would otherwise prohibit the locking of a perimeter fence or
8 gate.

9 (k) Except as provided in subdivision (k) of Section 4684.81 of
10 the Welfare and Institutions Code, the state shall not authorize or
11 fund more than a combined total of 150 beds statewide in facilities
12 with secured perimeters under this section and under Section
13 1267.75. The department shall notify the appropriate fiscal and
14 policy committees of the Legislature through the January and May
15 budget estimates prior to authorizing an increase above a combined
16 total of 100 beds statewide in facilities with secured perimeters
17 under this section and under Section 1267.75.

18 (1) A minimum of 50 beds shall be available within programs
19 designed for individuals who are designated incompetent to stand
20 trial pursuant to Section 1370.1 of the Penal Code. These beds
21 shall be within facilities that are exclusively used to provide care
22 for individuals who are placed and participating in forensic
23 competency training pursuant to Section 1370.1 of the Penal Code,
24 except as provided in paragraph (2). No more than half of these
25 facilities may have more than six beds and no facility may have
26 more than 15 beds.

27 (2) When, in the joint determination of the regional center and
28 the facility administrator, an individual would be most
29 appropriately served in a specific program, regardless of whether
30 the facility meets the criteria established in paragraph (1),
31 individuals who are not similarly designated may be placed in the
32 same facility. That placement may occur only when the individual's
33 planning team determines that the placement and the facility plan
34 of operation meet the individual's needs and that placement is not
35 incompatible with the needs and safety of other facility residents.

36 (l) This section shall become operative only upon the publication
37 in Title 17 of the California Code of Regulations of emergency
38 regulations filed by the State Department of Developmental
39 Services. These regulations shall be developed with stakeholders,
40 including the State Department of Social Services, consumer

1 advocates, and regional centers. The regulations shall establish
2 program standards for homes that include secured perimeters,
3 including requirements and timelines for the completion and
4 updating of a comprehensive assessment of each consumer's needs,
5 including the identification through the individual program plan
6 process of the services and supports needed to transition the
7 consumer to a less restrictive living arrangement, and a timeline
8 for identifying or developing those services and supports. The
9 regulations shall establish a statewide limit on the total number of
10 beds in homes with secured perimeters. The adoption of these
11 regulations shall be deemed to be an emergency and necessary for
12 the immediate preservation of the public peace, health and safety,
13 or general welfare.

14 SEC. 42. Section 1534 of the Health and Safety Code, as
15 amended by Section 30 of Chapter 773 of the Statutes of 2015, is
16 amended to read:

17 1534. (a) (1) (A) Except for foster family homes, every
18 licensed community care facility shall be subject to unannounced
19 inspections by the department.

20 (B) Foster family homes shall be subject to announced
21 inspections by the department, except that a foster family home
22 shall be subject to unannounced inspections in response to a
23 complaint, a plan of correction, or under any of the circumstances
24 set forth in subparagraph (B) of paragraph (2).

25 (2) (A) The department may inspect these facilities as often as
26 necessary to ensure the quality of care provided.

27 (B) The department shall conduct an annual unannounced
28 inspection of a facility under any of the following circumstances:

29 (i) When a license is on probation.

30 (ii) When the terms of agreement in a facility compliance plan
31 require an annual inspection.

32 (iii) When an accusation against a licensee is pending.

33 (iv) When a facility requires an annual inspection as a condition
34 of receiving federal financial participation.

35 (v) In order to verify that a person who has been ordered out of
36 a facility by the department is no longer at the facility.

37 (C) On and after January 1, 2017, and until January 1, 2018,
38 the following shall apply:

39 (i) Except for foster family homes, the department shall conduct
40 annual unannounced inspections of no less than 30 percent of every

1 licensed community care facility not subject to an inspection under
2 subparagraph (B).

3 (ii) The department shall conduct annual announced inspections
4 of no less than 30 percent of foster family homes not subject to an
5 inspection under subparagraph (B).

6 (iii) These inspections shall be conducted based on a random
7 sampling methodology developed by the department.

8 (iv) The department shall inspect a licensed community care
9 facility at least once every three years.

10 (D) On and after January 1, 2018, and until January 1, 2019,
11 the following shall apply:

12 (i) The department shall conduct annual unannounced
13 inspections of no less than 20 percent of adult residential facilities,
14 adult day programs, social rehabilitation facilities, enhanced
15 behavioral support homes for adults, and community crisis homes,
16 as defined in Section 1502, which are not subject to an inspection
17 under subparagraph (B).

18 (ii) These inspections shall be conducted based on a random
19 sampling methodology developed by the department.

20 (iii) The department shall inspect an adult residential facility,
21 adult day program, social rehabilitation facility, enhanced
22 behavioral support home for adults, and community crisis home,
23 as defined in Section 1502, at least once every two years.

24 (E) On and after January 1, 2019, the department shall conduct
25 annual unannounced inspections of all adult residential facilities,
26 adult day programs, social rehabilitation facilities, enhanced
27 behavioral support homes for adults, and community crisis homes,
28 as defined in Section 1502, and adult residential facilities for
29 persons with special health care needs, as defined in Section
30 4684.50 of the Welfare and Institutions Code.

31 (F) On and after January 1, 2018, the following shall apply:

32 (i) Except for foster family homes, the department shall conduct
33 annual unannounced inspections of no less than 20 percent of
34 residential care facilities for children, as defined in Section 1502,
35 including enhanced behavioral support homes for children,
36 transitional housing placement providers, and foster family
37 agencies not subject to an inspection under subparagraph (B).

38 (ii) The department shall conduct annual announced inspections
39 of no less than 20 percent of foster family homes, as defined in
40 Section 1502, not subject to an inspection under subparagraph (B).

1 (iii) The inspections in clauses (i) and (ii) shall be conducted
2 based on a random sampling methodology developed by the
3 department.

4 (iv) The department shall conduct unannounced inspections of
5 residential care facilities for children, as defined in Section 1502,
6 including enhanced behavioral support homes for children,
7 transitional housing placement providers, and foster family
8 agencies, and announced inspections of foster family homes, at
9 least once every two years.

10 (3) In order to facilitate direct contact with group home or
11 short-term residential therapeutic program clients, the department
12 may interview children who are clients of group homes or
13 short-term residential therapeutic programs at any public agency
14 or private agency at which the client may be found, including, but
15 not limited to, a juvenile hall, recreation or vocational program,
16 or a public or nonpublic school. The department shall respect the
17 rights of the child while conducting the interview, including
18 informing the child that he or she has the right not to be interviewed
19 and the right to have another adult present during the interview.

20 (4) The department shall notify the community care facility in
21 writing of all deficiencies in its compliance with the provisions of
22 this chapter and the rules and regulations adopted pursuant to this
23 chapter, and shall set a reasonable length of time for compliance
24 by the facility.

25 (5) Reports on the results of each inspection, evaluation, or
26 consultation shall be kept on file in the department, and all
27 inspection reports, consultation reports, lists of deficiencies, and
28 plans of correction shall be open to public inspection.

29 (b) (1) This section does not limit the authority of the
30 department to inspect or evaluate a licensed foster family agency,
31 a certified family home, or any aspect of a program in which a
32 licensed community care facility is certifying compliance with
33 licensing requirements.

34 (2) (A) A foster family agency shall conduct an announced
35 inspection of a certified family home during the annual
36 recertification described in Section 1506 in order to ensure that
37 the certified family home meets all applicable licensing standards.
38 A foster family agency may inspect a certified family home as
39 often as necessary to ensure the quality of care provided.

1 (B) In addition to the inspections required pursuant to
2 subparagraph (A), a foster family agency shall conduct an
3 unannounced inspection of a certified family home under any of
4 the following circumstances:

5 (i) When a certified family home is on probation.

6 (ii) When the terms of the agreement in a facility compliance
7 plan require an annual inspection.

8 (iii) When an accusation against a certified family home is
9 pending.

10 (iv) When a certified family home requires an annual inspection
11 as a condition of receiving federal financial participation.

12 (v) In order to verify that a person who has been ordered out of
13 a certified family home by the department is no longer at the home.

14 (3) Upon a finding of noncompliance by the department, the
15 department may require a foster family agency to deny or revoke
16 the certificate of approval of a certified family home, or take other
17 action the department may deem necessary for the protection of a
18 child placed with the certified family home. The certified parent
19 or prospective foster parent shall be afforded the due process
20 provided pursuant to this chapter.

21 (4) If the department requires a foster family agency to deny or
22 revoke the certificate of approval, the department shall serve an
23 order of denial or revocation upon the certified or prospective
24 foster parent and foster family agency that shall notify the certified
25 or prospective foster parent of the basis of the department's action
26 and of the certified or prospective foster parent's right to a hearing.

27 (5) Within 15 days after the department serves an order of denial
28 or revocation, the certified or prospective foster parent may file a
29 written appeal of the department's decision with the department.
30 The department's action shall be final if the certified or prospective
31 foster parent does not file a written appeal within 15 days after the
32 department serves the denial or revocation order.

33 (6) The department's order of the denial or revocation of the
34 certificate of approval shall remain in effect until the hearing is
35 completed and the director has made a final determination on the
36 merits.

37 (7) A certified or prospective foster parent who files a written
38 appeal of the department's order with the department pursuant to
39 this section shall, as part of the written request, provide his or her
40 current mailing address. The certified or prospective foster parent

1 shall subsequently notify the department in writing of any change
2 in mailing address, until the hearing process has been completed
3 or terminated.

4 (8) Hearings held pursuant to this section shall be conducted in
5 accordance with Chapter 5 (commencing with Section 11500) of
6 Part 1 of Division 3 of Title 2 of the Government Code. In all
7 proceedings conducted in accordance with this section the standard
8 of proof shall be by a preponderance of the evidence.

9 (9) The department may institute or continue a disciplinary
10 proceeding against a certified or prospective foster parent upon
11 any ground provided by this section or Section 1550, enter an order
12 denying or revoking the certificate of approval, or otherwise take
13 disciplinary action against the certified or prospective foster parent,
14 notwithstanding any resignation, withdrawal of application,
15 surrender of the certificate of approval, or denial or revocation of
16 the certificate of approval by the foster family agency.

17 (10) A foster family agency's failure to comply with the
18 department's order to deny or revoke the certificate of approval
19 by placing or retaining children in care shall be grounds for
20 disciplining the licensee pursuant to Section 1550.

21 (c) This section shall become operative on January 1, 2017.

22 SEC. 43. Section 1536 of the Health and Safety Code is
23 amended to read:

24 1536. (a) (1) At least annually, the department shall publish
25 and make available to interested persons a list or lists covering all
26 licensed community care facilities and the services for which each
27 facility has been licensed or issued a special permit.

28 (2) For a group home, transitional housing placement provider,
29 community treatment facility, runaway and homeless youth shelter,
30 or short-term residential therapeutic program, the list shall include
31 both of the following:

32 (A) The number of licensing complaints, types of complaint,
33 and outcomes of complaints, including citations, fines, exclusion
34 orders, license suspensions, revocations, and surrenders.

35 (B) The number, types, and outcomes of law enforcement
36 contacts made by the facility staff or children, as reported pursuant
37 to subdivision (a) of Section 1538.7.

38 (3) This subdivision does not apply to foster family homes or
39 the certified family homes or resource families of foster family
40 agencies.

(b) Subject to subdivision (c), to protect the personal privacy of foster family homes and the certified family homes and resource families of foster family agencies, and to preserve the security and confidentiality of the placements in the homes, the names, addresses, and other identifying information of facilities licensed as foster family homes and certified family homes and resource families of foster family agencies shall be considered personal information for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). This information shall not be disclosed by any state or local agency pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for administering the licensing program, facilitating the placement of children in these facilities, and providing names and addresses, upon request, only to bona fide professional foster parent organizations and to professional organizations educating foster parents, including the Foster and Kinship Care Education Program of the California Community Colleges.

(c) (1) Notwithstanding subdivision (b), the department, a county, or a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency, regarding a prospective certified parent, foster parent, or relative caregiver for the purpose of, and as necessary to, conduct a reference check to determine whether it is safe and appropriate to license, certify, or approve an applicant to be a certified parent, foster parent, or relative caregiver.

(2) This subdivision shall apply only to applications received on or before December 31, 2016, in accordance with Section 1517 or 1517.1 of this code or Section 16519.5 of the Welfare and Institutions Code.

(d) The department may issue a citation and, after the issuance of that citation, may assess a civil penalty of fifty dollars (\$50) per day for each instance of a foster family agency's failure to provide the department with a log of certified and decertified homes or a log of resource families that were approved or had approval rescinded during the month by the 10th day of the following month.

(e) The Legislature encourages the department, when funds are available for this purpose, to develop a database that would include all of the following information:

1 (1) Monthly reports by a foster family agency regarding certified
2 family homes and resource families.

3 (2) A log of certified and decertified family homes, approved
4 resource families, and resource families for which approval was
5 rescinded, provided by a foster family agency to the department.

6 (3) Notification by a foster family agency to the department
7 informing the department of a foster family agency's determination
8 to decertify a certified family home or rescind the approval of a
9 resource family due to any of the following actions by the certified
10 family parent or resource family:

11 (A) Violating licensing rules and regulations.

12 (B) Aiding, abetting, or permitting the violation of licensing
13 rules and regulations.

14 (C) Conducting oneself in a way that is inimical to the health,
15 morals, welfare, or safety of a child placed in that certified family
16 home, or for a resource family, engaging in conduct that poses a
17 risk or threat to the health and safety, protection, or well-being of
18 a child or nonminor dependent.

19 (D) Being convicted of a crime while a certified family parent
20 or resource family.

21 (E) Knowingly allowing any child to have illegal drugs or
22 alcohol.

23 (F) Committing an act of child abuse or neglect or an act of
24 violence against another person.

25 (f) At least annually, the department shall post on its Internet
26 Web site a statewide summary of the information gathered pursuant
27 to Sections 1538.8 and 1538.9. The summary shall include only
28 deidentified and aggregate information that does not violate the
29 confidentiality of a child's identity and records.

30 SEC. 44. Section 1538.3 of the Health and Safety Code is
31 amended to read:

32 1538.3. A county may develop a cooperative agreement with
33 the department to access disclosable, public record information
34 from an automated system, other than the system described in
35 Section 1538.2, concerning substantiated complaints for all group
36 home or short-term residential therapeutic programs, as defined
37 by regulations of the department, located within that county. Access
38 to the database may be accomplished through a secure online
39 transaction protocol.

1 SEC. 45. Section 1538.5 of the Health and Safety Code is
2 amended to read:

3 1538.5. (a) (1) Not less than 30 days prior to the anniversary
4 of the effective date of a residential community care facility license,
5 except licensed foster family homes, the department may transmit
6 a copy to the board members of the licensed facility, parents, legal
7 guardians, conservators, clients' rights advocates, or placement
8 agencies, as designated in each resident's placement agreement,
9 of all inspection reports given to the facility by the department
10 during the past year as a result of a substantiated complaint
11 regarding a violation of this chapter relating to resident abuse and
12 neglect, food, sanitation, incidental medical care, and residential
13 supervision. During that one-year period the copy of the notices
14 transmitted and the proof of the transmittal shall be open for public
15 inspection.

16 (2) The department may transmit copies of the inspection reports
17 referred to in paragraph (1) concerning a group home or short-term
18 residential therapeutic program, as defined by regulations of the
19 department, to the county in which the group home or short-term
20 residential therapeutic program is located, if requested by that
21 county.

22 (3) A group home or short-term residential therapeutic program
23 shall maintain, at the facility, a copy of all licensing reports for
24 the past three years that would be accessible to the public through
25 the department, for inspection by placement officials, current and
26 prospective facility clients, and these clients' family members who
27 visit the facility.

28 (b) The facility operator, at the expense of the facility, shall
29 transmit a copy of all substantiated complaints, by certified mail,
30 to those persons described pursuant to paragraph (1) of subdivision
31 (a) in the following cases:

32 (1) In the case of a substantiated complaint relating to resident
33 physical or sexual abuse, the facility shall have three days from
34 the date the facility receives the licensing report from the
35 department to comply.

36 (2) In the case in which a facility has received three or more
37 substantiated complaints relating to the same violation during the
38 past 12 months, the facility shall have five days from the date the
39 facility receives the licensing report to comply.

1 (c) A residential facility shall retain a copy of the notices
2 transmitted pursuant to subdivision (b) and proof of their
3 transmittal by certified mail for a period of one year after their
4 transmittal.

5 (d) If a residential facility to which this section applies fails to
6 comply with this section, as determined by the department, the
7 department shall initiate civil penalty action against the facility in
8 accordance with this article and the related rules and regulations.

9 (e) Not less than 30 days prior to the anniversary of the effective
10 date of the license of any group home or short-term residential
11 therapeutic program, as defined by regulations of the department,
12 at the request of the county in which the group home or short-term
13 residential therapeutic program is located, a group home or
14 short-term residential therapeutic program shall transmit to the
15 county a copy of all incident reports prepared by the group home
16 or short-term residential therapeutic program and transmitted to a
17 placement agency, as described in subdivision (f) of Section
18 1536.1, in a county other than the county in which the group home
19 or short-term residential therapeutic program is located that
20 involved a response by local law enforcement or emergency
21 services personnel, including runaway incidents. The county shall
22 designate an official for the receipt of the incident reports and shall
23 notify the group home or short-term residential therapeutic program
24 of the designation. Prior to transmitting copies of incident reports
25 to the county, the group home or short-term residential therapeutic
26 program shall redact the name of any child referenced in the
27 incident reports, and other identifying information regarding any
28 child referenced in the reports. The county may review the incident
29 reports to ensure that the group home or short-term residential
30 therapeutic program has taken appropriate action to ensure the
31 health and safety of the residents of the facility.

32 (f) The department shall notify the residential community care
33 facility of its obligation when it is required to comply with this
34 section.

35 SEC. 46. Section 1538.6 of the Health and Safety Code is
36 amended to read:

37 1538.6. (a) When the department periodically reviews the
38 record of substantiated complaints against each group home or
39 short-term residential therapeutic program, pursuant to its oversight
40 role as prescribed by Section 1534, to determine whether the nature,

1 number, and severity of incidents upon which complaints were
2 based constitute a basis for concern as to whether the provider is
3 capable of effectively and efficiently operating the program, and
4 if the department determines that there is cause for concern, it may
5 contact the county in which a group home or short-term residential
6 therapeutic program is located and placement agencies in other
7 counties using the group home or short-term residential therapeutic
8 program, and request their recommendations as to what action, if
9 any, the department should take with regard to the provider's status
10 as a licensed group home or short-term residential therapeutic
11 program provider.

12 (b) It is the intent of the Legislature that the department make
13 every effort to communicate with the county in which a group
14 home or short-term residential therapeutic program is located when
15 the department has concerns about group homes or short-term
16 residential therapeutic programs within that county.

17 SEC. 47. Section 1538.7 of the Health and Safety Code is
18 amended to read:

19 1538.7. (a) A group home, transitional housing placement
20 provider, community treatment facility, runaway and homeless
21 youth shelter, or short-term residential therapeutic program shall
22 report to the department's Community Care Licensing Division
23 upon the occurrence of any incident concerning a child in the
24 facility involving contact with law enforcement. At least every six
25 months, the facility shall provide a followup report for each
26 incident, including the type of incident, whether the incident
27 involved an alleged violation of any crime described in Section
28 602 of the Welfare and Institutions Code by a child residing in the
29 facility; whether staff, children, or both were involved; the gender,
30 race, ethnicity, and age of children involved; and the outcomes,
31 including arrests, removals of children from placement, or
32 termination or suspension of staff.

33 (b) (1) If the department determines that, based on the licensed
34 capacity, a facility has reported, pursuant to subdivision (a), a
35 greater than average number of law enforcement contacts involving
36 an alleged violation of any crime described in Section 602 of the
37 Welfare and Institutions Code by a child residing in the facility,
38 the department shall inspect the facility at least once a year.

1 (2) An inspection conducted pursuant to paragraph (1) does not
2 constitute an unannounced inspection required pursuant to Section
3 1534.

4 (c) If an inspection is required pursuant to subdivision (b), the
5 Community Care Licensing Division shall provide the report to
6 the department's Children and Family Services Division and to
7 any other public agency that has certified the facility's program
8 or any component of the facility's program including, but not
9 limited to, the State Department of Health Care Services, which
10 certifies group homes or approves short-term residential therapeutic
11 programs pursuant to Section 4096.5 of the Welfare and Institutions
12 Code.

13 SEC. 48. Section 1538.8 of the Health and Safety Code is
14 amended to read:

15 1538.8. (a) (1) In order to review and evaluate the use of
16 psychotropic medications in group homes and short-term residential
17 therapeutic programs, the department shall compile, to the extent
18 feasible and not otherwise prohibited by law and based on
19 information received from the State Department of Health Care
20 Services, at least annually, information concerning each group
21 home and short-term residential therapeutic program, including,
22 but not limited to, the child welfare psychotropic medication
23 measures developed by the department and the following
24 Healthcare Effectiveness Data and Information Set (HEDIS)
25 measures related to psychotropic medications:

26 (A) Follow-Up Care for Children Prescribed Attention Deficit
27 Hyperactivity Disorder Medication (HEDIS ADD), which measures
28 the number of children 6 to 12 years of age, inclusive, who have
29 a visit with a provider with prescribing authority within 30 days
30 of the new prescription.

31 (B) Use of Multiple Concurrent Antipsychotics in Children and
32 Adolescents (HEDIS APC), which does both of the following:

33 (i) Measures the number of children receiving an antipsychotic
34 medication for at least 60 out of 90 days and the number of children
35 who additionally receive a second antipsychotic medication that
36 overlaps with the first.

37 (ii) Reports a total rate and age stratifications including 6 to 11
38 years of age, inclusive, and 12 to 17 years of age, inclusive.

39 (C) Use of First-Line Psychosocial Care for Children and
40 Adolescents on Antipsychotics (HEDIS APP), which measures

1 whether a child has received psychosocial services 90 days before
2 through 30 days after receiving a new prescription for an
3 antipsychotic medication.

4 (D) Metabolic Monitoring for Children and Adolescents on
5 Antipsychotics (HEDIS APM), which does both of the following:

6 (i) Measures testing for glucose or HbA1c and lipid or
7 cholesterol of a child who has received at least two different
8 antipsychotic prescriptions on different days.

9 (ii) Reports a total rate and age stratifications including 6 to 11
10 years of age, inclusive, and 12 to 17 years of age, inclusive.

11 (2) The department shall post the list of data to be collected
12 pursuant to this subdivision on the department's Internet Web site.

13 (b) The data in subdivision (a) concerning psychotropic
14 medication, mental health services, and placement shall be drawn
15 from existing data maintained by the State Department of Health
16 Care Services and the State Department of Social Services and
17 shared pursuant to a data sharing agreement meeting the
18 requirements of all applicable state and federal laws and
19 regulations.

20 (c) This section does not apply to a runaway and homeless youth
21 shelter, as defined in Section 1502.

22 *SEC. 48.5. Section 1538.8 of the Health and Safety Code is*
23 *amended to read:*

24 1538.8. (a) (1) In order to review and evaluate the use of
25 psychotropic medications in group ~~homes~~, *homes and short-term*
26 *residential therapeutic programs*, the department shall compile,
27 to the extent feasible and not otherwise prohibited by law and
28 based on information received from the State Department of Health
29 Care Services, at least annually, information concerning each group
30 ~~home~~, *home and short-term residential therapeutic program*,
31 including, but not limited to, the child welfare psychotropic
32 medication measures developed by the department and the
33 following Healthcare Effectiveness Data and Information Set
34 (HEDIS) measures related to psychotropic medications:

35 (A) Follow-Up Care for Children Prescribed Attention Deficit
36 Hyperactivity Disorder Medication (HEDIS ADD), which measures
37 the number of children 6 to 12 years of age, inclusive, who have
38 a visit with a provider with prescribing authority within 30 days
39 of the new prescription.

1 (B) Use of Multiple Concurrent Antipsychotics in Children and
2 Adolescents (HEDIS APC), which does both of the following:

3 (i) Measures the number of children receiving an antipsychotic
4 medication for at least 60 out of 90 days and the number of children
5 who additionally receive a second antipsychotic medication that
6 overlaps with the first.

7 (ii) Reports a total rate and age stratifications including 6 to 11
8 years of age, inclusive, and 12 to 17 years of age, inclusive.

9 (C) Use of First-Line Psychosocial Care for Children and
10 Adolescents on Antipsychotics (HEDIS APP), which measures
11 whether a child has received psychosocial services 90 days before
12 through 30 days after receiving a new prescription for an
13 antipsychotic medication.

14 (D) Metabolic Monitoring for Children and Adolescents on
15 Antipsychotics (HEDIS APM), which does both of the following:

16 (i) Measures testing for glucose or HbA1c and lipid or
17 cholesterol of a child who has received at least two different
18 antipsychotic prescriptions on different days.

19 (ii) Reports a total rate and age stratifications including 6 to 11
20 years of age, inclusive, and 12 to 17 years of age, inclusive.

21 (2) The department shall post the list of data to be collected
22 pursuant to this subdivision on the department's Internet Web site.

23 (b) The data in subdivision (a) concerning psychotropic
24 medication, mental health services, and placement shall be drawn
25 from existing data maintained by the State Department of Health
26 Care Services and the State Department of Social Services and
27 shared pursuant to a data sharing agreement meeting the
28 requirements of all applicable state and federal laws and
29 regulations.

30 (c) This section does not apply to a runaway and homeless youth
31 shelter, ~~as defined a private alternative boarding school, or a~~
32 ~~private alternative outdoor program, as those terms are defined,~~
33 ~~respectively,~~ in Section 1502.

34 SEC. 49. Section 1538.9 of the Health and Safety Code is
35 amended to read:

36 1538.9. (a) (1) (A) The department shall consult with the
37 State Department of Health Care Services and stakeholders to
38 establish a methodology for identifying those group homes
39 providing care under the AFDC-FC program pursuant to Sections
40 11460 and 11462 of the Welfare and Institutions Code that have

1 levels of psychotropic drug utilization warranting additional review.
2 The methodology shall be adopted on or before July 1, 2016.

3 (B) Every three years after adopting the methodology developed
4 under subparagraph (A), or earlier if needed, the department shall
5 consult with the State Department of Health Care Services and
6 stakeholders and revise the methodology, if necessary.

7 (2) If the department, applying the methodology described in
8 paragraph (1), determines that a facility appears to have levels of
9 psychotropic drug utilization warranting additional review, it shall
10 inspect the facility at least once a year.

11 (3) The inspection of the facility shall include, but not be limited
12 to, a review of the following:

13 (A) Plan of operation, policies, procedures, and practices.

14 (B) Child-to-staff ratios.

15 (C) Staff qualifications and training.

16 (D) Implementation of children's needs and services plan.

17 (E) Availability of psychosocial and other alternative treatments
18 to the use of psychotropic medications.

19 (F) Other factors that the department determines contribute to
20 levels of psychotropic drug utilization that warrant additional
21 review.

22 (G) Confidential interviews of children residing in the facility
23 at the time of the inspection.

24 (4) The inspection of the facility may include, but is not limited
25 to, the following:

26 (A) Confidential interviews of children who resided in the
27 facility within the last six months.

28 (B) Confidential discussions with physicians identified as
29 prescribing the medications.

30 (b) Following an inspection conducted pursuant to this section,
31 the department, as it deems appropriate, may do either or both of
32 the following:

33 (1) Share relevant information and observations with county
34 placing agencies, social workers, probation officers, the court,
35 dependency counsel, or the Medical Board of California, as
36 applicable.

37 (2) Share relevant information and observations with the facility
38 and require the facility to submit a plan, within 30 days of receiving
39 the information and observations from the department, to address
40 any identified risks within the control of the facility related to

1 psychotropic medication. The department shall approve the plan
2 and verify implementation of the plan to determine whether those
3 risks have been remedied.

4 (c) (1) Notwithstanding the rulemaking provisions of the
5 Administrative Procedure Act (Chapter 3.5 (commencing with
6 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
7 Code), until emergency regulations are filed with the Secretary of
8 State, the department may implement this section through
9 all-county letters or similar instructions.

10 (2) On or before January 1, 2017, the department shall adopt
11 regulations to implement this section. The initial adoption,
12 amendment, or repeal of a regulation authorized by this subdivision
13 is deemed to address an emergency, for purposes of Sections
14 11346.1 and 11349.6 of the Government Code, and the department
15 is hereby exempted for that purpose from the requirements of
16 subdivision (b) of Section 11346.1 of the Government Code. After
17 the initial adoption, amendment, or repeal of an emergency
18 regulation pursuant to this section, the department may twice
19 request approval from the Office of Administrative Law to readopt
20 the regulation as an emergency regulation pursuant to Section
21 11346.1 of the Government Code. The department shall adopt final
22 regulations on or before January 1, 2018.

23 (d) Nothing in this section does any of the following:

24 (1) Replaces or alters other requirements for responding to
25 complaints and making inspections or visits to group homes,
26 including, but not limited to, those set forth in Sections 1534 and
27 1538.

28 (2) Prevents or precludes the department from taking any other
29 action permitted under any other law, including any regulation
30 adopted pursuant to this chapter.

31 (e) The methodology developed pursuant to this section shall
32 apply to short-term residential therapeutic programs, as defined
33 in Section 1502, in a manner determined by the department.

34 (f) This section does not apply to a runaway and homeless youth
35 shelter, as defined in Section 1502.

36 *SEC. 49.5. Section 1538.9 of the Health and Safety Code is*
37 *amended to read:*

38 1538.9. (a) (1) (A) The department shall consult with the
39 State Department of Health Care Services and stakeholders to
40 establish a methodology for identifying those group homes

1 providing care under the AFDC-FC program pursuant to Sections
2 11460 and 11462 of the Welfare and Institutions Code that have
3 levels of psychotropic drug utilization warranting additional review.
4 The methodology shall be adopted on or before July 1, 2016.

5 (B) Every three years after adopting the methodology developed
6 under subparagraph (A), or earlier if needed, the department shall
7 consult with the State Department of Health Care Services and
8 stakeholders and revise the methodology, if necessary.

9 (2) If the department, applying the methodology described in
10 paragraph (1), determines that a facility appears to have levels of
11 psychotropic drug utilization warranting additional review, it shall
12 inspect the facility at least once a year.

13 (3) The inspection of the facility shall include, but not be limited
14 to, a review of the following:

15 (A) Plan of operation, policies, procedures, and practices.

16 (B) Child-to-staff ratios.

17 (C) Staff qualifications and training.

18 (D) Implementation of children's needs and services plan.

19 (E) Availability of psychosocial and other alternative treatments
20 to the use of psychotropic medications.

21 (F) Other factors that the department determines contribute to
22 levels of psychotropic drug utilization that warrant additional
23 review.

24 (G) Confidential interviews of children residing in the facility
25 at the time of the inspection.

26 (4) The inspection of the facility may include, but is not limited
27 to, the following:

28 (A) Confidential interviews of children who resided in the
29 facility within the last six months.

30 (B) Confidential discussions with physicians identified as
31 prescribing the medications.

32 (b) Following an inspection conducted pursuant to this section,
33 the department, as it deems appropriate, may do either or both of
34 the following:

35 (1) Share relevant information and observations with county
36 placing agencies, social workers, probation officers, the court,
37 dependency counsel, or the Medical Board of California, as
38 applicable.

39 (2) Share relevant information and observations with the facility
40 and require the facility to submit a plan, within 30 days of receiving

the information and observations from the department, to address any identified risks within the control of the facility related to psychotropic medication. The department shall approve the plan and verify implementation of the plan to determine whether those risks have been remedied.

(c) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), until emergency regulations are filed with the Secretary of State, the department may implement this section through all-county letters or similar instructions.

(2) On or before January 1, 2017, the department shall adopt regulations to implement this section. The initial adoption, amendment, or repeal of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption, amendment, or repeal of an emergency regulation pursuant to this section, the department may twice request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code. The department shall adopt final regulations on or before January 1, 2018.

(d) Nothing in this section does any of the following:

(1) Replaces or alters other requirements for responding to complaints and making inspections or visits to group homes, including, but not limited to, those set forth in Sections 1534 and 1538.

(2) Prevents or precludes the department from taking any other action permitted under any other law, including any regulation adopted pursuant to this chapter.

(e) *The methodology developed pursuant to this section shall apply to short-term residential therapeutic programs, as defined in Section 1502, in a manner determined by the department.*

~~(e)~~

(f) This section does not apply to a runaway and homeless youth shelter, ~~as defined a private alternative boarding school, or a private alternative outdoor program, as those terms are defined,~~ respectively, in Section 1502.

1 SEC. 50. Section 1548 of the Health and Safety Code is
2 amended to read:

3 1548. (a) In addition to the suspension, temporary suspension,
4 or revocation of a license issued under this chapter, the department
5 may levy a civil penalty.

6 (b) The amount of the civil penalty shall not be less than
7 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
8 for each violation of this chapter except when the nature or
9 seriousness of the violation or the frequency of the violation
10 warrants a higher penalty or an immediate civil penalty assessment,
11 or both, as determined by the department. Except as otherwise
12 provided in this chapter, a civil penalty assessment shall not exceed
13 one hundred fifty dollars (\$150) per day per violation.

14 (c) Notwithstanding Section 1534, the department shall assess
15 an immediate civil penalty of one hundred fifty dollars (\$150) per
16 day per violation for any of the following serious violations:

17 (1) (A) Fire clearance violations, including, but not limited to,
18 overcapacity, ambulatory status, inoperable smoke alarms, and
19 inoperable fire alarm systems. The civil penalty shall not be
20 assessed if the licensee has done either of the following:

21 (i) Requested the appropriate fire clearance based on ambulatory,
22 nonambulatory, or bedridden status, and the decision is pending.

23 (ii) Initiated eviction proceedings.

24 (B) A licensee denied a clearance for bedridden residents may
25 appeal to the fire authority, and, if that appeal is denied, may
26 subsequently appeal to the Office of the State Fire Marshal, and
27 shall not be assessed an immediate civil penalty until the final
28 appeal is decided, or after 60 days has passed from the date of the
29 citation, whichever is earlier.

30 (2) Absence of supervision, as required by statute or regulation.

31 (3) Accessible bodies of water when prohibited in this chapter
32 or regulations adopted pursuant to this chapter.

33 (4) Accessible firearms, ammunition, or both.

34 (5) Refused entry to a facility or any part of a facility in violation
35 of Section 1533, 1534, or 1538.

36 (6) The presence of an excluded person on the premises.

37 (d) (1) For a violation that the department determines resulted
38 in the death of a resident at an adult residential facility, social
39 rehabilitation facility, enhanced behavioral supports home, or

1 community crisis home, the civil penalty shall be fifteen thousand
2 dollars (\$15,000).

3 (2) For a violation that the department determines resulted in
4 the death of a person receiving care at an adult day program, the
5 civil penalty shall be assessed as follows:

6 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
7 licensed, among all of the licensee's facilities, to care for 50 or
8 less persons.

9 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
10 among all of the licensee's facilities, to care for more than 50
11 persons.

12 (3) For a violation that the department determines resulted in
13 the death of a person receiving care at a therapeutic day services
14 facility, foster family agency, community treatment facility,
15 full-service adoption agency, noncustodial adoption agency,
16 transitional shelter care facility, transitional housing placement
17 provider, group home, or short-term residential therapeutic
18 program, the civil penalty shall be assessed as follows:

19 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
20 licensed, among all of the licensee's facilities, to care for 40 or
21 less children.

22 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
23 among all of the licensee's facilities, to care for 41 to 100,
24 inclusive, children.

25 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,
26 among all of the licensee's facilities, to care for more than 100
27 children.

28 (4) For a violation that the department determines resulted in
29 the death of a resident at a runaway and homeless youth shelter,
30 the civil penalty shall be five thousand dollars (\$5,000).

31 (e) (1) (A) For a violation that the department determines
32 constitutes physical abuse, as defined in Section 15610.63 of the
33 Welfare and Institutions Code, or resulted in serious bodily injury,
34 as defined in Section 243 of the Penal Code, to a resident at an
35 adult residential facility, social rehabilitation facility, enhanced
36 behavioral supports home, or community crisis home, the civil
37 penalty shall be ten thousand dollars (\$10,000).

38 (B) For a violation that the department determines constitutes
39 physical abuse, as defined in Section 15610.63 of the Welfare and
40 Institutions Code, or resulted in serious bodily injury, as defined

1 in Section 243 of the Penal Code, to a person receiving care at an
2 adult day program, the civil penalty shall be assessed as follows:

3 (i) Two thousand five hundred dollars (\$2,500) for a licensee
4 licensed, among all of the licensee's facilities, to care for 50 or
5 less persons.

6 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
7 all of the licensee's facilities, to care for more than 50 persons.

8 (C) For a violation that the department determines constitutes
9 physical abuse, as defined in paragraph (2), or resulted in serious
10 bodily injury, as defined in Section 243 of the Penal Code, to a
11 person receiving care at a therapeutic day services facility, foster
12 family agency, community treatment facility, full-service adoption
13 agency, noncustodial adoption agency, transitional shelter care
14 facility, transitional housing placement provider, group home, or
15 short-term residential therapeutic program, the civil penalty shall
16 be assessed as follows:

17 (i) Two thousand five hundred dollars (\$2,500) for a licensee
18 licensed, among all of the licensee's facilities, to care for 40 or
19 less children.

20 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
21 all of the licensee's facilities, to care for 41 to 100, inclusive,
22 children.

23 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,
24 among all of the licensee's facilities, to care for more than 100
25 children.

26 (D) For a violation that the department determines constitutes
27 physical abuse, as defined in paragraph (2), or resulted in serious
28 bodily injury, as defined in Section 243 of the Penal Code, to a
29 resident at a runaway and homeless youth shelter, the civil penalty
30 shall be one thousand dollars (\$1,000).

31 (2) For purposes of subparagraphs (C) and (D), "physical abuse"
32 includes physical injury inflicted upon a child by another person
33 by other than accidental means, sexual abuse as defined in Section
34 11165.1 of the Penal Code, neglect as defined in Section 11165.2
35 of the Penal Code, or unlawful corporal punishment or injury as
36 defined in Section 11165.4 of the Penal Code when the person
37 responsible for the child's welfare is a licensee, administrator, or
38 employee of any facility licensed to care for children.

39 (f) Prior to the issuance of a citation imposing a civil penalty
40 pursuant to subdivision (d) or (e), the decision shall be approved

1 by the program administrator of the Community Care Licensing
2 Division.

3 (g) Notwithstanding Section 1534, any facility that is cited for
4 repeating the same violation of this chapter within 12 months of
5 the first violation is subject to an immediate civil penalty of one
6 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day
7 the violation continues until the deficiency is corrected.

8 (h) Any facility that is assessed a civil penalty pursuant to
9 subdivision (g) that repeats the same violation of this chapter within
10 12 months of the violation subject to subdivision (g) is subject to
11 an immediate civil penalty of one hundred fifty dollars (\$150) for
12 each day the violation continues until the deficiency is corrected.

13 (i) (1) The department shall adopt regulations setting forth the
14 appeal procedures for deficiencies.

15 (2) A notification of a deficiency written by a representative of
16 the department shall include a factual description of the nature of
17 the deficiency fully stating the manner in which the licensee failed
18 to comply with the specified statute or regulation, and, if
19 applicable, the particular place or area of the facility in which the
20 deficiency occurred.

21 (j) (1) A licensee shall have the right to submit to the
22 department a written request for a formal review of a civil penalty
23 assessed pursuant to subdivisions (d) and (e) within 15 business
24 days of receipt of the notice of a civil penalty assessment and shall
25 provide all available supporting documentation at that time. The
26 review shall be conducted by the deputy director of the Community
27 Care Licensing Division. The licensee may submit additional
28 supporting documentation that was unavailable at the time of
29 submitting the request for review within the first 30 business days
30 after submitting the request for review. If the department requires
31 additional information from the licensee, that information shall be
32 requested within the first 30 business days after receiving the
33 request for review. The licensee shall provide this additional
34 information within 30 business days of receiving the request from
35 the department. If the deputy director determines that the civil
36 penalty was not assessed, or the finding of deficiency was not
37 made, in accordance with applicable statutes or regulations of the
38 department, he or she may amend or dismiss the civil penalty or
39 finding of deficiency. The licensee shall be notified in writing of
40 the deputy director's decision within 60 business days of the date

1 when all necessary information has been provided to the
2 department by the licensee.

3 (2) Upon exhausting the review described in paragraph (1), a
4 licensee may further appeal that decision to an administrative law
5 judge. Proceedings shall be conducted in accordance with Chapter
6 5 (commencing with Section 11500) of Part 1 of Division 3 of
7 Title 2 of the Government Code, and the department shall have all
8 the powers granted by those provisions. In all proceedings
9 conducted in accordance with this section, the standard of proof
10 shall be by a preponderance of the evidence.

11 (3) If, in addition to an assessment of civil penalties, the
12 department elects to file an administrative action to suspend or
13 revoke the facility license that includes violations relating to the
14 assessment of the civil penalties, the department review of the
15 pending appeal shall cease and the assessment of the civil penalties
16 shall be heard as part of the administrative action process.

17 (k) (1) A licensee shall have the right to submit to the
18 department a written request for a formal review of any other civil
19 penalty or deficiency not described in subdivision (j) within 15
20 business days of receipt of the notice of a civil penalty assessment
21 or a finding of a deficiency, and shall provide all available
22 supporting documentation at that time. The review shall be
23 conducted by a regional manager of the Community Care Licensing
24 Division. The licensee may submit additional supporting
25 documentation that was unavailable at the time of submitting the
26 request for review within the first 30 business days after submitting
27 the request for review. If the department requires additional
28 information from the licensee, that information shall be requested
29 within the first 30 business days after receiving the request for
30 review. The licensee shall provide this additional information
31 within 30 business days of receiving the request from the
32 department. If the regional manager determines that the civil
33 penalty was not assessed, or the finding of the deficiency was not
34 made, in accordance with applicable statutes or regulations of the
35 department, he or she may amend or dismiss the civil penalty or
36 finding of deficiency. The licensee shall be notified in writing of
37 the regional manager's decision within 60 business days of the
38 date when all necessary information has been provided to the
39 department by the licensee.

(2) Upon exhausting the review described in paragraph (1), the licensee may further appeal that decision to the program administrator of the Community Care Licensing Division within 15 business days of receipt of notice of the regional manager's decision. The licensee may submit additional supporting documentation that was unavailable at the time of appeal to the program administrator within the first 30 business days after requesting that appeal. If the department requires additional information from the licensee, that information shall be requested within the first 30 business days after receiving the request for the appeal. The licensee shall provide this additional information within 30 business days of receiving the request from the department. If the program administrator determines that the civil penalty was not assessed, or the finding of the deficiency was not made, in accordance with applicable statutes or regulations of the department, he or she may amend or dismiss the civil penalty or finding of deficiency. The licensee shall be notified in writing of the program administrator's decision within 60 business days of the date when all necessary information has been provided to the department by the licensee. The program administrator's decision is considered final and concludes the licensee's administrative appeal rights regarding the appeal conducted pursuant to this paragraph.

(l) The department shall adopt regulations implementing this section.

(m) The department shall, by January 1, 2016, amend its regulations to reflect the changes to this section made by Section 2 of Chapter 813 of the Statutes of 2014.

(n) As provided in Section 11466.31 of the Welfare and Institutions Code, the department may offset civil penalties owed by a group home or short-term residential therapeutic program against moneys to be paid by a county for the care of minors after the group home or short-term residential therapeutic program has exhausted its appeal of the civil penalty assessment. The department shall provide the group home or short-term residential therapeutic program a reasonable opportunity to pay the civil penalty before instituting the offset provision.

(o) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement

1 and administer the changes made by the act that added this
2 subdivision through all-county letters or similar written instructions
3 until regulations are adopted pursuant to the Administrative
4 Procedure Act.

5 *SEC. 50.3. Section 1548 of the Health and Safety Code is*
6 *amended to read:*

7 1548. (a) In addition to the suspension, temporary suspension,
8 or revocation of a license issued under this chapter, the department
9 may levy a civil penalty.

10 (b) The amount of the civil penalty shall not be less than
11 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
12 for each violation of this chapter except ~~where~~ *when* the nature or
13 seriousness of the violation or the frequency of the violation
14 warrants a higher penalty or an immediate civil penalty assessment,
15 or both, as determined by the department. Except as otherwise
16 provided in this chapter, a civil penalty assessment shall not exceed
17 one hundred fifty dollars (\$150) per day per violation.

18 (c) Notwithstanding Section 1534, the department shall assess
19 an immediate civil penalty of one hundred fifty dollars (\$150) per
20 day per violation for any of the following serious violations:

21 (1) (A) Fire clearance violations, including, but not limited to,
22 overcapacity, ambulatory status, inoperable smoke alarms, and
23 inoperable fire alarm systems. The civil penalty shall not be
24 assessed if the licensee has done either of the following:

25 (i) Requested the appropriate fire clearance based on ambulatory,
26 nonambulatory, or bedridden status, and the decision is pending.

27 (ii) Initiated eviction proceedings.

28 (B) A licensee denied a clearance for bedridden residents may
29 appeal to the fire authority, and, if that appeal is denied, may
30 subsequently appeal to the Office of the State Fire Marshal, and
31 shall not be assessed an immediate civil penalty until the final
32 appeal is decided, or after 60 days has passed from the date of the
33 citation, whichever is earlier.

34 (2) Absence of supervision, as required by statute or regulation.

35 (3) Accessible bodies of water when prohibited in this chapter
36 or regulations adopted pursuant to this chapter.

37 (4) Accessible firearms, ammunition, or both.

38 (5) Refused entry to a facility or any part of a facility in violation
39 of Section 1533, 1534, or 1538.

40 (6) The presence of an excluded person on the premises.

(d) (1) For a violation that the department determines resulted in the death of a resident at an adult residential facility, social rehabilitation facility, enhanced behavioral supports ~~home~~, *home licensed as an adult residential facility, adult residential facility for persons with special health care needs*, or community crisis home, the civil penalty shall be fifteen thousand dollars (\$15,000).

(2) For a violation that the department determines resulted in the death of a person receiving care at an adult day program, the civil penalty shall be assessed as follows:

(A) Seven thousand five hundred dollars (\$7,500) for a ~~licensee licensed, among all of the licensee's facilities,~~ *facility licensed* to care for 50 or ~~less~~ *fewer* persons.

(B) Ten thousand dollars (\$10,000) for a ~~licensee licensed, among all of the licensee's facilities,~~ *facility licensed* to care for ~~more than 50~~ *51 or more* persons.

(3) For a violation that the department determines resulted in the death of a person receiving care at a therapeutic day services facility, ~~foster family agency,~~ community treatment facility, ~~full-service adoption agency, noncustodial adoption agency,~~ transitional shelter care facility, transitional housing placement provider, ~~group home,~~ *small family home, crisis nursery, group home, enhanced behavioral supports home licensed as a group home*, or short-term residential ~~treatment center,~~ *therapeutic program*, the civil penalty shall be assessed as follows:

(A) Seven thousand five hundred dollars (\$7,500) for a ~~licensee licensed, among all of the licensee's facilities,~~ *facility licensed* to care for 40 or ~~less~~ *fewer* children.

(B) Ten thousand dollars (\$10,000) for a ~~licensee licensed, among all of the licensee's facilities,~~ *facility licensed* to care for 41 to 100, inclusive, children.

(C) Fifteen thousand dollars (\$15,000) for a ~~licensee licensed, among all of the licensee's facilities,~~ *facility licensed* to care for more than 100 children.

(4) For a violation that the department determines resulted in the death of a ~~resident~~ *youth receiving care* at a runaway and homeless youth ~~shelter,~~ *shelter licensed as a group home*, the civil penalty shall be five thousand dollars (\$5,000).

(5) *For a violation that the department determines resulted in the death of a child receiving care through a foster family agency,*

1 *the civil penalty shall be seven thousand five hundred dollars*
2 *(\$7,500).*

3 (6) *For a violation that the department determines resulted in*
4 *the death of an individual receiving care or services through a*
5 *full-service or noncustodial adoption agency, the civil penalty*
6 *shall be seven thousand five hundred dollars (\$7,500).*

7 (e) (1) (A) For a violation that the department determines
8 constitutes physical abuse, as defined in Section 15610.63 of the
9 Welfare and Institutions Code, or resulted in serious bodily injury,
10 as defined in Section 243 of the Penal Code, to a resident at an
11 adult residential facility, social rehabilitation facility, enhanced
12 behavioral supports ~~home~~, *home licensed as an adult residential*
13 *facility, adult residential facility for persons with special health*
14 *care needs, or community crisis home, the civil penalty shall be*
15 *ten thousand dollars (\$10,000).*

16 (B) For a violation that the department determines constitutes
17 physical abuse, as defined in Section 15610.63 of the Welfare and
18 Institutions Code, or resulted in serious bodily injury, as defined
19 in Section 243 of the Penal Code, to a person receiving care at an
20 adult day program, the civil penalty shall be assessed as follows:

21 (i) Two thousand five hundred dollars (\$2,500) for a ~~licensee~~
22 ~~licensed, among all of the licensee's facilities, facility licensed to~~
23 ~~care for 50 or less fewer persons.~~

24 (ii) Five thousand dollars (\$5,000) for a ~~licensee licensed, among~~
25 ~~all of the licensee's facilities, facility licensed to care for more~~
26 ~~than 50~~ *51 or more persons.*

27 (C) For a violation that the department determines constitutes
28 physical abuse, as defined in paragraph (2), or resulted in serious
29 bodily injury, as defined in Section 243 of the Penal Code, to a
30 person receiving care at a therapeutic day services facility, ~~foster~~
31 ~~family agency, community treatment facility, full-service adoption~~
32 ~~agency, noncustodial adoption agency, transitional shelter care~~
33 ~~facility, transitional housing placement provider, group home,~~
34 ~~small family home, crisis nursery, group home, enhanced~~
35 ~~behavioral supports home licensed as a group home, or short-term~~
36 ~~residential treatment center, therapeutic program, the civil penalty~~
37 ~~shall be assessed as follows:~~

38 (i) Two thousand five hundred dollars (\$2,500) for a ~~licensee~~
39 ~~licensed, among all of the licensee's facilities, facility licensed to~~
40 ~~care for 40 or less fewer children.~~

1 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
2 all of the licensee's facilities, *facility licensed* to care for 41 to
3 100, inclusive, children.

4 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,
5 among all of the licensee's facilities, *facility licensed* to care for
6 more than 100 children.

7 (D) For a violation that the department determines constitutes
8 physical abuse, as defined in paragraph (2), or resulted in serious
9 bodily injury, as defined in Section 243 of the Penal Code, to a
10 resident youth receiving care at a runaway and homeless youth
11 shelter, *shelter licensed as a group home*, the civil penalty shall
12 be one thousand dollars (\$1,000).

13 (E) For a violation that the department determines constitutes
14 physical abuse, as defined in paragraph (2), or resulted in serious
15 bodily injury, as defined in Section 243 of the Penal Code, to a
16 child receiving care through a foster family agency, the civil
17 penalty shall be two thousand five hundred dollars (\$2,500).

18 (F) For a violation that the department determines constitutes
19 physical abuse, as defined in paragraph (2), or resulted in serious
20 bodily injury, as defined in Section 243 of the Penal Code, to an
21 individual receiving care or services through a full-service or
22 noncustodial adoption agency, the civil penalty shall be two
23 thousand five hundred dollars (\$2,500).

24 (2) For purposes of subparagraphs ~~(C) and (D)~~, (C), (D), (E),
25 and (F) of paragraph (1), "physical abuse" includes physical injury
26 inflicted upon a child by another person by other than accidental
27 means, sexual abuse as defined in Section 11165.1 of the Penal
28 Code, neglect as defined in Section 11165.2 of the Penal Code, or
29 unlawful corporal punishment or injury as defined in Section
30 11165.4 of the Penal Code when the person responsible for the
31 child's welfare is a licensee, administrator, or employee of any
32 facility licensed to care for children.

33 (f) Prior to the issuance of a citation imposing a civil penalty
34 pursuant to subdivision (d) or (e), the decision shall be approved
35 by the program administrator of the Community Care Licensing
36 Division.

37 (g) Notwithstanding Section 1534, any facility that is cited for
38 repeating the same violation of this chapter within 12 months of
39 the first violation is subject to an immediate civil penalty of one

1 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day
2 the violation continues until the deficiency is corrected.

3 (h) Any facility that is assessed a civil penalty pursuant to
4 subdivision (g) that repeats the same violation of this chapter within
5 12 months of the violation subject to subdivision (g) is subject to
6 an immediate civil penalty of one hundred fifty dollars (\$150) for
7 each day the violation continues until the deficiency is corrected.

8 (i) (1) The department shall adopt regulations setting forth the
9 appeal procedures for deficiencies.

10 (2) A notification of a deficiency written by a representative of
11 the department shall include a factual description of the nature of
12 the deficiency fully stating the manner in which the licensee failed
13 to comply with the specified statute or regulation, and, if
14 applicable, the particular place or area of the facility in which the
15 deficiency occurred.

16 (j) (1) A licensee shall have the right to submit to the
17 department a written request for a formal review of a civil penalty
18 assessed pursuant to subdivisions (d) and (e) within 15 business
19 days of receipt of the notice of a civil penalty assessment and shall
20 provide all available supporting documentation at that time. The
21 review shall be conducted by the deputy director of the Community
22 Care Licensing Division. The licensee may submit additional
23 supporting documentation that was unavailable at the time of
24 submitting the request for review within the first 30 business days
25 after submitting the request for review. If the department requires
26 additional information from the licensee, that information shall be
27 requested within the first 30 business days after receiving the
28 request for review. The licensee shall provide this additional
29 information within 30 business days of receiving the request from
30 the department. If the deputy director determines that the civil
31 penalty was not assessed, or the finding of deficiency was not
32 made, in accordance with applicable statutes or regulations of the
33 department, he or she may amend or dismiss the civil penalty or
34 finding of deficiency. The licensee shall be notified in writing of
35 the deputy director's decision within 60 business days of the date
36 when all necessary information has been provided to the
37 department by the licensee.

38 (2) Upon exhausting the review described in paragraph (1), a
39 licensee may further appeal that decision to an administrative law
40 judge. Proceedings shall be conducted in accordance with Chapter

1 5 (commencing with Section 11500) of Part 1 of Division 3 of
2 Title 2 of the Government Code, and the department shall have all
3 the powers granted by those provisions. In all proceedings
4 conducted in accordance with this section, the standard of proof
5 shall be by a preponderance of the evidence.

6 (3) If, in addition to an assessment of civil penalties, the
7 department elects to file an administrative action to suspend or
8 revoke the facility license that includes violations relating to the
9 assessment of the civil penalties, the department review of the
10 pending appeal shall cease and the assessment of the civil penalties
11 shall be heard as part of the administrative action process.

12 (k) (1) A licensee shall have the right to submit to the
13 department a written request for a formal review of any other civil
14 penalty or deficiency not described in subdivision (j) within 15
15 business days of receipt of the notice of a civil penalty assessment
16 or a finding of a deficiency, and shall provide all available
17 supporting documentation at that time. The review shall be
18 conducted by a regional manager of the Community Care Licensing
19 Division. The licensee may submit additional supporting
20 documentation that was unavailable at the time of submitting the
21 request for review within the first 30 business days after submitting
22 the request for review. If the department requires additional
23 information from the licensee, that information shall be requested
24 within the first 30 business days after receiving the request for
25 review. The licensee shall provide this additional information
26 within 30 business days of receiving the request from the
27 department. If the regional manager determines that the civil
28 penalty was not assessed, or the finding of the deficiency was not
29 made, in accordance with applicable statutes or regulations of the
30 department, he or she may amend or dismiss the civil penalty or
31 finding of deficiency. The licensee shall be notified in writing of
32 the regional manager's decision within 60 business days of the
33 date when all necessary information has been provided to the
34 department by the licensee.

35 (2) Upon exhausting the review described in paragraph (1), the
36 licensee may further appeal that decision to the program
37 administrator of the Community Care Licensing Division within
38 15 business days of receipt of notice of the regional manager's
39 decision. The licensee may submit additional supporting
40 documentation that was unavailable at the time of appeal to the

1 program administrator within the first 30 business days after
2 requesting that appeal. If the department requires additional
3 information from the licensee, that information shall be requested
4 within the first 30 business days after receiving the request for the
5 appeal. The licensee shall provide this additional information
6 within 30 business days of receiving the request from the
7 department. If the program administrator determines that the civil
8 penalty was not assessed, or the finding of the deficiency was not
9 made, in accordance with applicable statutes or regulations of the
10 department, he or she may amend or dismiss the civil penalty or
11 finding of deficiency. The licensee shall be notified in writing of
12 the program administrator's decision within 60 business days of
13 the date when all necessary information has been provided to the
14 department by the licensee. The program administrator's decision
15 is considered final and concludes the licensee's administrative
16 appeal rights regarding the appeal conducted pursuant to this
17 paragraph.

18 (l) The department shall adopt regulations implementing this
19 section.

20 (m) The department shall, by January 1, 2016, amend its
21 regulations to reflect the changes to this section made by Section
22 2 of Chapter 813 of the Statutes of 2014.

23 (n) As provided in Section 11466.31 of the Welfare and
24 Institutions Code, the department may offset civil penalties owed
25 by a group home or short-term residential ~~treatment center~~
26 *therapeutic program* against moneys to be paid by a county for
27 the care of minors after the group home or short-term residential
28 ~~treatment center~~ *therapeutic program* has exhausted its appeal of
29 the civil penalty assessment. The department shall provide the
30 group home or short-term residential ~~treatment center~~ *therapeutic*
31 *program* a reasonable opportunity to pay the civil penalty before
32 instituting the offset provision.

33 (o) Notwithstanding the Administrative Procedure Act (Chapter
34 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
35 Title 2 of the Government Code), the department may implement
36 and administer the changes made by the act that added this
37 subdivision through all-county letters or similar written instructions
38 until regulations are adopted pursuant to the Administrative
39 Procedure Act.

40 ~~(p) This section shall become operative on July 1, 2015.~~

1

(p) This section shall become inoperative on July 1, 2017, and,
2 as of January 1, 2018, is repealed, unless a later enacted statute,
3 that becomes operative on or before January 1, 2018, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 50.7. Section 1548 is added to the Health and Safety
6 Code, to read:

7 1548. (a) In addition to the suspension, temporary suspension,
8 or revocation of a license issued under this chapter, the department
9 shall levy civil penalties as follows:

10 (b) (1) The amount of the civil penalty shall be one hundred
11 dollars (\$100) per day for each violation of this chapter if an
12 agency or facility fails to correct a deficiency after being provided
13 a specified length of time to correct that deficiency.

14 (A) If a licensee or a licensee's representative submits evidence
15 to the department that the licensee has corrected a deficiency, and
16 the department, after reviewing that evidence, has determined that
17 the deficiency has been corrected, the civil penalty shall cease as
18 of the day the department received that evidence.

19 (B) If the department deems it necessary, the department shall
20 inspect the facility within five working days after the department
21 receives evidence pursuant to subparagraph (A) to confirm that
22 the deficiency has been corrected.

23 (C) If the department determines that the deficiency has not
24 been corrected, the civil penalty shall continue to accrue from the
25 date of the original citation.

26 (D) If the department is able to verify that the deficiency was
27 corrected prior to the date on which the department received the
28 evidence pursuant to subparagraph (A), the civil penalty shall
29 cease as of that earlier date.

30 (2) (A) If the department issues a notification of deficiency to
31 an agency or facility for a repeat violation of a violation specified
32 in paragraph (1), the department shall assess an immediate civil
33 penalty of two hundred fifty dollars (\$250) per repeat violation
34 and one hundred dollars (\$100) for each day the repeat violation
35 continues after citation. The notification of deficiency shall state
36 the manner in which the deficiency constitutes a repeat violation
37 and shall be submitted to a supervisor for review and approval.

38 (B) For purposes of this section, "repeat violation" means a
39 violation within 12 months of a prior violation of a statutory or

1 regulatory provision designated by the same combination of letters
2 or numerals, or both letters and numerals.

3 (C) Notwithstanding subparagraphs (A) and (B), the department,
4 in its sole discretion, may reduce the civil penalty for the cited
5 repeat violation to the level of the underlying violation, as
6 applicable, if it determines that the cited repeat violation is not
7 substantially similar to the original violation.

8 (3) If the nature or seriousness of the violation or the frequency
9 of the violation warrants a higher penalty or an immediate civil
10 penalty assessment, or both, as provided in this chapter, a
11 correction of the deficiency shall not impact the imposition of a
12 civil penalty.

13 (c) The department shall assess an immediate civil penalty of
14 five hundred dollars (\$500) per violation and one hundred dollars
15 (\$100) for each day the violation continues after citation for any
16 of the following serious violations:

17 (1) Any violation that the department determines resulted in the
18 injury or illness of a person in care.

19 (2) (A) Fire clearance violations, including, but not limited to,
20 overcapacity, ambulatory status, inoperable smoke alarms, and
21 inoperable fire alarm systems. The civil penalty shall not be
22 assessed if the licensee has done either of the following:

23 (i) Requested the appropriate fire clearance based on
24 ambulatory, nonambulatory, or bedridden status, and the decision
25 is pending.

26 (ii) Initiated eviction proceedings.

27 (B) A licensee denied a clearance for bedridden residents may
28 appeal to the fire authority, and, if that appeal is denied, may
29 subsequently appeal to the Office of the State Fire Marshal, and
30 shall not be assessed an immediate civil penalty until the final
31 appeal is decided, or after 60 days has passed from the date of the
32 citation, whichever is earlier.

33 (3) Absence of supervision, as required by statute or regulation.

34 (4) Accessible bodies of water, when prohibited in this chapter
35 or regulations adopted pursuant to this chapter.

36 (5) Accessible firearms, ammunition, or both.

37 (6) Refused entry to a facility or any part of a facility in violation
38 of Section 1533, 1534, or 1538.

39 (7) The presence of a person subject to a department Order of
40 Exclusion on the premises.

1 (d) If the department issues a notification of deficiency to an
2 agency or facility for a repeat violation specified in subdivision
3 (c), the department shall assess an immediate civil penalty of one
4 thousand dollars (\$1,000) per repeat violation and one hundred
5 dollars (\$100) for each day the repeat violation continues after
6 citation. The notification of deficiency shall state the manner in
7 which the deficiency constitutes a repeat violation and shall be
8 submitted to a supervisor for review and approval.

9 (e) (1) For a violation that the department determines resulted
10 in the death of a resident at an adult residential facility, social
11 rehabilitation facility, enhanced behavioral supports home licensed
12 as an adult residential facility, adult residential facility for persons
13 with special health care needs, or community crisis home, the civil
14 penalty shall be fifteen thousand dollars (\$15,000).

15 (2) For a violation that the department determines resulted in
16 the death of a person receiving care at an adult day program, the
17 civil penalty shall be assessed as follows:

18 (A) Seven thousand five hundred dollars (\$7,500) for a facility
19 licensed to care for 50 or fewer persons.

20 (B) Ten thousand dollars (\$10,000) for a facility licensed to
21 care for 51 or more persons.

22 (3) For a violation that the department determines resulted in
23 the death of a person receiving care at a therapeutic day services
24 facility, community treatment facility, transitional shelter care
25 facility, transitional housing placement provider, small family
26 home, crisis nursery, group home, enhanced behavioral supports
27 home licensed as a group home, or short-term residential
28 therapeutic program, the civil penalty shall be assessed as follows:

29 (A) Seven thousand five hundred dollars (\$7,500) for a facility
30 licensed to care for 40 or fewer children.

31 (B) Ten thousand dollars (\$10,000) for a facility licensed to
32 care for 41 to 100, inclusive, children.

33 (C) Fifteen thousand dollars (\$15,000) for a facility licensed
34 to care for more than 100 children.

35 (4) For a violation that the department determines resulted in
36 the death of a youth receiving care at a runaway and homeless
37 youth shelter licensed as a group home, the civil penalty shall be
38 five thousand dollars (\$5,000).

39 (5) For a violation that the department determines resulted in
40 the death of a child receiving care through a foster family agency,

1 *the civil penalty shall be seven thousand five hundred dollars*
2 *(\$7,500).*

3 *(6) For a violation that the department determines resulted in*
4 *the death of an individual receiving care or services through a*
5 *full-service or noncustodial adoption agency, the civil penalty*
6 *shall be seven thousand five hundred dollars (\$7,500).*

7 *(f) (1) (A) For a violation that the department determines*
8 *constitutes physical abuse, as defined in Section 15610.63 of the*
9 *Welfare and Institutions Code, or resulted in serious bodily injury,*
10 *as defined in Section 243 of the Penal Code, to a resident at an*
11 *adult residential facility, social rehabilitation facility, enhanced*
12 *behavioral supports home licensed as an adult residential facility,*
13 *adult residential facility for persons with special health care needs,*
14 *or community crisis home, the civil penalty shall be ten thousand*
15 *dollars (\$10,000).*

16 *(B) For a violation that the department determines constitutes*
17 *physical abuse, as defined in Section 15610.63 of the Welfare and*
18 *Institutions Code, or resulted in serious bodily injury, as defined*
19 *in Section 243 of the Penal Code, to a person receiving care at an*
20 *adult day program, the civil penalty shall be assessed as follows:*

21 *(i) Two thousand five hundred dollars (\$2,500) for a facility*
22 *licensed to care for 50 or fewer persons.*

23 *(ii) Five thousand dollars (\$5,000) for a facility licensed to care*
24 *for 51 or more persons.*

25 *(C) For a violation that the department determines constitutes*
26 *physical abuse, as defined in paragraph (2), or resulted in serious*
27 *bodily injury, as defined in Section 243 of the Penal Code, to a*
28 *person receiving care at a therapeutic day services facility,*
29 *community treatment facility, transitional shelter care facility,*
30 *transitional housing placement provider, small family home, crisis*
31 *nursery, group home, enhanced behavioral supports home licensed*
32 *as a group home, or short-term residential therapeutic program,*
33 *the civil penalty shall be assessed as follows:*

34 *(i) Two thousand five hundred dollars (\$2,500) for a facility*
35 *licensed to care for 40 or fewer children.*

36 *(ii) Five thousand dollars (\$5,000) for a facility licensed to care*
37 *for 41 to 100, inclusive, children.*

38 *(iii) Ten thousand dollars (\$10,000) for a facility licensed to*
39 *care for more than 100 children.*

1 (D) For a violation that the department determines constitutes
2 physical abuse, as defined in paragraph (2), or resulted in serious
3 bodily injury, as defined in Section 243 of the Penal Code, to a
4 youth receiving care at a runaway and homeless youth shelter
5 licensed as a group home, the civil penalty shall be one thousand
6 dollars (\$1,000).

7 (E) For a violation that the department determines constitutes
8 physical abuse, as defined in paragraph (2), or resulted in serious
9 bodily injury, as defined in Section 243 of the Penal Code, to a
10 child receiving care through a foster family agency, the civil
11 penalty shall be two thousand five hundred dollars (\$2,500).

12 (F) For a violation that the department determines constitutes
13 physical abuse, as defined in paragraph (2), or resulted in serious
14 bodily injury, as defined in Section 243 of the Penal Code, to an
15 individual receiving care or services through a full-service or
16 noncustodial adoption agency, the civil penalty shall be two
17 thousand five hundred dollars (\$2,500).

18 (2) For purposes of subparagraphs (C), (D), (E), and (F) of
19 paragraph (1), “physical abuse” includes physical injury inflicted
20 upon a child by another person by other than accidental means,
21 sexual abuse as defined in Section 11165.1 of the Penal Code,
22 neglect as defined in Section 11165.2 of the Penal Code, or
23 unlawful corporal punishment or injury as defined in Section
24 11165.4 of the Penal Code when the person responsible for the
25 child’s welfare is a licensee, administrator, or employee of any
26 facility licensed to care for children.

27 (g) (1) Before the assessment of a civil penalty pursuant to
28 subdivision (e) or (f), the decision shall be approved by the
29 program administrator of the Community Care Licensing Division.

30 (2) (A) The department shall reduce the amount of a civil
31 penalty due pursuant to subdivision (e) or (f) by the amount of the
32 civil penalty already assessed for the underlying violation.

33 (B) If the amount of the civil penalty that the department has
34 already assessed for the underlying violation exceeds the amount
35 of the penalty pursuant to subdivision (e) or (f), the larger amount
36 shall prevail and be due and payable as already assessed by the
37 department.

38 (h) (1) A notification of a deficiency written by a representative
39 of the department shall include a factual description of the nature
40 of the deficiency fully stating the manner in which the licensee

1 failed to comply with the specified statute or regulation, and, if
2 applicable, the particular place or area of the facility in which the
3 deficiency occurred. The department shall make a good faith effort
4 to work with the licensee to determine the cause of the deficiency
5 and ways to prevent any repeat violations.

6 (2) The department shall adopt regulations setting forth the
7 appeal procedures for deficiencies.

8 (i) (1) A licensee shall have the right to submit to the
9 department a written request for a formal review of a civil penalty
10 assessed pursuant to subdivision (e) or (f) within 15 business days
11 of receipt of the notice of a civil penalty assessment and shall
12 provide all available supporting documentation at that time. The
13 review shall be conducted by the deputy director of the Community
14 Care Licensing Division. The licensee may submit additional
15 supporting documentation that was unavailable at the time of
16 submitting the request for review within the first 30 business days
17 after submitting the request for review. If the department requires
18 additional information from the licensee, that information shall
19 be requested within the first 30 business days after receiving the
20 request for review. The licensee shall provide this additional
21 information within 30 business days of receiving the request from
22 the department. If the deputy director determines that the civil
23 penalty was not assessed, or the finding of deficiency was not
24 made, in accordance with applicable statutes or regulations of the
25 department, he or she may amend or dismiss the civil penalty or
26 finding of deficiency. The licensee shall be notified in writing of
27 the deputy director's decision within 60 business days of the date
28 when all necessary information has been provided to the
29 department by the licensee.

30 (2) Upon exhausting the review described in paragraph (1), a
31 licensee may further appeal that decision to an administrative law
32 judge. Proceedings shall be conducted in accordance with Chapter
33 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
34 2 of the Government Code, and the department shall have all the
35 powers granted by those provisions. In all proceedings conducted
36 in accordance with this section, the standard of proof shall be by
37 a preponderance of the evidence.

38 (3) If, in addition to an assessment of civil penalties, the
39 department elects to file an administrative action to suspend or
40 revoke the facility license that includes violations relating to the

1 *assessment of the civil penalties, the department review of the*
2 *pending appeal shall cease and the assessment of the civil penalties*
3 *shall be heard as part of the administrative action process.*

4 *(4) Civil penalties shall be due and payable when administrative*
5 *appeals have been exhausted. Unless payment arrangements have*
6 *been made that are acceptable to the department, a civil penalty*
7 *not paid within 30 days shall be subject to late fees, as specified*
8 *by the department in regulation.*

9 *(j) (1) A licensee shall have the right to submit to the*
10 *department a written request for a formal review of any other civil*
11 *penalty or deficiency not described in subdivision (i) within 15*
12 *business days of receipt of the notice of a civil penalty assessment*
13 *or a finding of a deficiency, and shall provide all available*
14 *supporting documentation at that time. The review shall be*
15 *conducted by a regional manager of the Community Care Licensing*
16 *Division. The licensee may submit additional supporting*
17 *documentation that was unavailable at the time of submitting the*
18 *request for review within the first 30 business days after submitting*
19 *the request for review. If the department requires additional*
20 *information from the licensee, that information shall be requested*
21 *within the first 30 business days after receiving the request for*
22 *review. The licensee shall provide this additional information*
23 *within 30 business days of receiving the request from the*
24 *department. If the regional manager determines that the civil*
25 *penalty was not assessed, or the finding of the deficiency was not*
26 *made, in accordance with applicable statutes or regulations of the*
27 *department, he or she may amend or dismiss the civil penalty or*
28 *finding of deficiency. The licensee shall be notified in writing of*
29 *the regional manager's decision within 60 business days of the*
30 *date when all necessary information has been provided to the*
31 *department by the licensee.*

32 *(2) Upon exhausting the review described in paragraph (1), the*
33 *licensee may further appeal that decision to the program*
34 *administrator of the Community Care Licensing Division within*
35 *15 business days of receipt of notice of the regional manager's*
36 *decision. The licensee may submit additional supporting*
37 *documentation that was unavailable at the time of appeal to the*
38 *program administrator within the first 30 business days after*
39 *requesting that appeal. If the department requires additional*
40 *information from the licensee, that information shall be requested*

1 within the first 30 business days after receiving the request for the
2 appeal. The licensee shall provide this additional information
3 within 30 business days of receiving the request from the
4 department. If the program administrator determines that the civil
5 penalty was not assessed, or the finding of the deficiency was not
6 made, in accordance with applicable statutes or regulations of the
7 department, he or she may amend or dismiss the civil penalty or
8 finding of deficiency. The licensee shall be notified in writing of
9 the program administrator's decision within 60 business days of
10 the date when all necessary information has been provided to the
11 department by the licensee. The program administrator's decision
12 is considered final and concludes the licensee's administrative
13 appeal rights regarding the appeal conducted pursuant to this
14 paragraph.

15 (3) Civil penalties shall be due and payable when administrative
16 appeals have been exhausted. Unless payment arrangements have
17 been made that are acceptable to the department, a civil penalty
18 not paid within 30 days shall be subject to late fees, as specified
19 by the department in regulation.

20 (k) The department shall adopt regulations implementing this
21 section.

22 (l) The department shall, by January 1, 2016, amend its
23 regulations to reflect the changes to this section made by Section
24 2 of Chapter 813 of the Statutes of 2014.

25 (m) As provided in Section 11466.31 of the Welfare and
26 Institutions Code, the department may offset civil penalties owed
27 by a group home or short-term residential therapeutic program
28 against moneys to be paid by a county for the care of minors after
29 the group home or short-term residential therapeutic program has
30 exhausted its appeal of the civil penalty assessment. The
31 department shall provide the group home or short-term residential
32 therapeutic program a reasonable opportunity to pay the civil
33 penalty before instituting the offset provision.

34 (n) Notwithstanding the Administrative Procedure Act (Chapter
35 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
36 Title 2 of the Government Code), the department may implement
37 and administer the changes made by the act that added this
38 subdivision through all-county letters or similar written
39 instructions until regulations are adopted pursuant to the
40 Administrative Procedure Act.

1 (o) *This section shall become operative on July 1, 2017.*

2 SEC. 51. Section 1562 of the Health and Safety Code is
3 amended to read:

4 1562. (a) The department shall ensure that operators and staffs
5 of community care facilities have appropriate training to provide
6 the care and services for which a license or certificate is issued.
7 The section shall not apply to a facility licensed as an Adult
8 Residential Facility for Persons with Special Health Care Needs
9 pursuant to Article 9 (commencing with Section 1567.50).

10 (b) It is the intent of the Legislature that children in foster care
11 reside in the least restrictive, family-based settings that can meet
12 their needs, and that group homes and short-term residential
13 therapeutic programs will be used only for short-term, specialized,
14 and intensive treatment purposes that are consistent with a case
15 plan that is determined by a child's best interests. Accordingly,
16 the Legislature encourages the department to adopt policies,
17 practices, and guidance that ensure that the education, qualification,
18 and training requirements for child care staff in group homes and
19 short-term residential therapeutic programs are consistent with the
20 intended role of group homes and short-term residential therapeutic
21 programs to provide short-term, specialized, and intensive
22 treatment, with a particular focus on crisis intervention, behavioral
23 stabilization, and other treatment-related goals, as well as the
24 connections between those efforts and work toward permanency
25 for children.

26 (c) (1) Each person employed as a facility manager or staff
27 member of a group home or short-term residential therapeutic
28 program, as defined in paragraphs (13) and (18) of subdivision (a)
29 of Section 1502, who provides direct care and supervision to
30 children and youth residing in the group home or short-term
31 residential therapeutic program shall be at least 21 years of age.

32 (2) Paragraph (1) shall not apply to a facility manager or staff
33 member employed at the group home before October 1, 2014.

34 (3) For purposes of this subdivision, "group home" does not
35 include a runaway and homeless youth shelter.

36 SEC. 52. Section 1562.01 of the Health and Safety Code is
37 amended to read:

38 1562.01. (a) The department shall license short-term residential
39 therapeutic programs, as defined in paragraph (18) of subdivision
40 (a) of Section 1502, pursuant to this chapter. A short-term

1 residential therapeutic program shall comply with all requirements
2 of this chapter that are applicable to group homes and to the
3 requirements of this section.

4 (b) (1) A short-term residential therapeutic program shall have
5 national accreditation from an entity identified by the department
6 pursuant to the process described in paragraph (6) of subdivision
7 (b) of Section 11462 of the Welfare and Institutions Code.

8 (2) A short-term residential therapeutic program applicant shall
9 submit documentation of accreditation or application for
10 accreditation with its application for licensure.

11 (3) A short-term residential therapeutic program shall have up
12 to 24 months from the date of licensure to obtain accreditation.

13 (4) A short-term residential therapeutic program shall provide
14 documentation to the department reporting its accreditation status
15 at 12 months and at 18 months after the date of licensure.

16 (5) This subdivision does not preclude the department from
17 requesting additional information from the short-term residential
18 therapeutic program regarding its accreditation status.

19 (6) The department may revoke a short-term residential
20 therapeutic program's license pursuant to Article 5 (commencing
21 with Section 1550) for failure to obtain accreditation within the
22 timeframes specified in this subdivision.

23 (c) (1) A short-term residential therapeutic program shall have
24 up to 12 months from the date of licensure to obtain in good
25 standing a mental health program approval that includes a Medi-Cal
26 mental health certification, as set forth in Sections 4096.5 and
27 11462.01 of the Welfare and Institutions Code.

28 (2) A short-term residential therapeutic program shall maintain
29 the program approval described in paragraph (1) in good standing
30 during its licensure.

31 (3) The department shall track the number of licensed short-term
32 residential therapeutic programs that were unable to obtain a mental
33 health program approval and provide that information to the
34 Legislature annually as part of the State Budget process.

35 (d) (1) A short-term residential therapeutic program shall
36 prepare and maintain a current, written plan of operation as required
37 by the department.

38 (2) The plan of operation shall include, but not be limited to,
39 all of the following:

40 (A) A statement of purposes and goals.

1 (B) A plan for the supervision, evaluation, and training of staff.
2 The training plan shall be appropriate to meet the needs of staff
3 and children.

4 (C) A program statement that includes all of the following:

5 (i) Description of the short-term residential therapeutic
6 program's ability to support the differing needs of children and
7 their families with short-term, specialized, and intensive treatment.

8 (ii) Description of the core services, as set forth in paragraph
9 (1) of subdivision (b) of Section 11462 of the Welfare and
10 Institutions Code, to be offered to children and their families, as
11 appropriate or necessary.

12 (iii) Procedures for the development, implementation, and
13 periodic updating of the needs and services plan for children served
14 by the short-term residential therapeutic program and procedures
15 for collaborating with the child and family team described in
16 paragraph (4) of subdivision (a) of Section 16501 of the Welfare
17 and Institutions Code, that include, but are not limited to, a
18 description of the services to be provided to meet the treatment
19 needs of the child as assessed, pursuant to subdivision (d) or (e)
20 of Section 11462.01 of the Welfare and Institutions Code, the
21 anticipated duration of the treatment, and the timeframe and plan
22 for transitioning the child to a less restrictive family environment.

23 (iv) A description of the population or populations to be served.

24 (v) A description of compliance with the mental health program
25 approval requirement in subdivision (c). A short-term residential
26 therapeutic program that has not satisfied the requirement in
27 subdivision (c) shall demonstrate the ability to meet the mental
28 health service needs of children.

29 (vi) (I) A description of how the short-term residential
30 therapeutic program, in accordance with the child's case plan and
31 the child and family team recommendations, will provide for,
32 arrange for the provision of, or assist in, both of the following:

33 (ia) Identification of home-based family settings for a child who
34 no longer needs the level of care and supervision provided by a
35 short-term residential therapeutic program.

36 (ib) Continuity of care, services, and treatment as a child moves
37 from his or her short-term residential therapeutic program
38 placement to home-based family care or to a permanent living
39 situation through reunification, adoption, or guardianship.

1 (II) This clause shall not be interpreted to supersede the
2 placement and care responsibility vested in the county child welfare
3 agency or probation department.

4 (vii) Any other information that may be prescribed by the
5 department for the proper administration of this section.

6 (e) In addition to the rules and regulations adopted pursuant to
7 this chapter, a county licensed to operate a short-term residential
8 therapeutic program shall describe, in the plan of operation, its
9 conflict of interest mitigation plan, as set forth in subdivision (g)
10 of Section 11462.02 of the Welfare and Institutions Code.

11 (f) (1) (A) (i) A short-term residential therapeutic program
12 applicant shall submit an application to the department that includes
13 a letter of recommendation in support of its program from a county
14 placing agency.

15 (ii) The letter of recommendation shall include a statement that
16 the county placing agency reviewed a copy of the applicant's
17 program statement.

18 (iii) If the letter of recommendation is not from the county in
19 which the facility is located, the short-term residential therapeutic
20 program applicant shall include, with its application, a statement
21 that it provided the county in which the facility is located an
22 opportunity for that county to review the program statement and
23 notified that county that the facility has received a letter of
24 recommendation from another county.

25 (B) If the application does not contain a letter of
26 recommendation as described in subparagraph (A), then the
27 department shall cease review of the application. Nothing in this
28 paragraph shall constitute a denial of the application for purposes
29 of Section 1526 or any other law.

30 (C) A new letter of recommendation is not required when a
31 short-term residential therapeutic program moves locations.

32 (2) A short-term residential therapeutic program shall submit a
33 copy of its program statement to all county placing agencies from
34 which the short-term residential therapeutic program accepts
35 placements, including the county in which the facility is located,
36 for optional review when the short-term residential therapeutic
37 program updates its program statement.

38 (g) (1) The department shall adopt regulations to establish
39 requirements for the education, qualification, and training of facility
40 managers and staff who provide care and supervision to children

1 or who have regular, direct contact with children in the course of
2 their responsibilities in short-term residential therapeutic programs
3 consistent with the intended role of these facilities to provide
4 short-term, specialized, and intensive treatment.

5 (2) Requirements shall include, but not be limited to, all of the
6 following:

7 (A) Staff classifications.

8 (B) Specification of the date by which employees shall be
9 required to meet the education and qualification requirements.

10 (C) Any other requirements that may be prescribed by the
11 department for the proper administration of this section.

12 (h) The department shall adopt regulations to specify training
13 requirements for staff who provide care and supervision to children
14 or who have regular, direct contact with children in the course of
15 their responsibilities. These requirements shall include the
16 following:

17 (1) Timeframes for completion of training, including the
18 following:

19 (A) Training that shall be completed prior to unsupervised care
20 of children.

21 (B) Training to be completed within the first 180 days of
22 employment.

23 (C) Training to be completed annually.

24 (2) Topics to be covered in the training shall include, but are
25 not limited to, the following:

26 (A) Child and adolescent development, including sexual
27 orientation, gender identity, and gender expression.

28 (B) The effects of trauma, including grief and loss, and child
29 abuse and neglect on child development and behavior and methods
30 to behaviorally support children impacted by that trauma or child
31 abuse and neglect.

32 (C) The rights of a child in foster care, including the right to
33 have fair and equal access to all available services, placement,
34 care, treatment, and benefits, and to not be subjected to
35 discrimination or harassment on the basis of actual or perceived
36 race, ethnic group identification, ancestry, national origin, color,
37 religion, sex, sexual orientation, gender identity, mental or physical
38 disability, or HIV status.

39 (D) Positive discipline and the importance of self-esteem.

40 (E) Core practice model.

1 (F) An overview of the child welfare and probation systems.

2 (G) Reasonable and prudent parent standard.

3 (H) Instruction on cultural competency and sensitivity and
4 related best practices for providing adequate care for children
5 across diverse ethnic and racial backgrounds, as well as children
6 identifying as lesbian, gay, bisexual, or transgender.

7 (I) Awareness and identification of commercial sexual
8 exploitation and best practices for providing care and supervision
9 to commercially sexually exploited children.

10 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
11 et seq.), its historical significance, the rights of children covered
12 by the act, and the best interests of Indian children, including the
13 role of the caregiver in supporting culturally appropriate child
14 centered practices that respect Native American history, culture,
15 retention of tribal membership, and connection to the tribal
16 community and traditions.

17 (K) Permanence, well-being, and educational needs of children.

18 (L) Basic instruction on existing laws and procedures regarding
19 the safety of foster youth at school; and ensuring a harassment and
20 violence free school environment pursuant to Article 3.6
21 (commencing with Section 32228) of Chapter 2 of Part 19 of
22 Division 1 of Title 1 of the Education Code.

23 (M) Best practices for providing care and supervision to
24 nonminor dependents.

25 (N) Health issues in foster care.

26 (O) Physical and psychosocial needs of children, including
27 behavior management, deescalation techniques, and
28 trauma-informed crisis management planning.

29 (i) (1) Each person employed as a facility manager or staff
30 member of a short-term residential therapeutic program, who
31 provides direct care and supervision to children and youth residing
32 in the short-term residential therapeutic program shall be at least
33 21 years of age.

34 (2) This subdivision shall not apply to a facility manager or staff
35 member employed, before October 1, 2014, at a short-term
36 residential therapeutic program that was operating under a group
37 home license prior to January 1, 2016.

38 (j) Notwithstanding any other section of this chapter, the
39 department may establish requirements for licensed group homes
40 that are transitioning to short-term residential therapeutic programs,

1 which may include, but not be limited to, requirements related to
2 application and plan of operation.

3 (k) A short-term residential therapeutic program shall have a
4 qualified and certified administrator, as set forth in Section
5 1522.41.

6 (l) The department shall have the authority to inspect a
7 short-term residential therapeutic program pursuant to the system
8 of governmental monitoring and oversight developed by the
9 department pursuant to subdivision (c) of Section 11462 of the
10 Welfare and Institutions Code.

11 SEC. 53. Section 1562.35 of the Health and Safety Code is
12 amended to read:

13 1562.35. Notwithstanding any law to the contrary, including,
14 but not limited to Section 1562.3, vendors approved by the
15 department who exclusively provide either initial or continuing
16 education courses for certification of administrators of an adult
17 residential facility as defined by the department, a group home
18 facility as defined by the department, a short-term residential
19 therapeutic program as defined by the department, or a residential
20 care facility for the elderly as defined in subdivision (k) of Section
21 1569.2, shall be regulated solely by the department pursuant to
22 this chapter. No other state or local governmental entity shall be
23 responsible for regulating the activity of those vendors.

24 SEC. 54. Section 1563 of the Health and Safety Code is
25 amended to read:

26 1563. (a) The department shall ensure that licensing personnel
27 at the department have appropriate training to properly carry out
28 this chapter.

29 (b) The department shall institute a staff development and
30 training program to develop among departmental staff the
31 knowledge and understanding necessary to successfully carry out
32 this chapter. Specifically, the program shall do all of the following:

33 (1) Provide staff with 36 hours of training per year that reflects
34 the needs of persons served by community care facilities. This
35 training shall, where appropriate, include specialized instruction
36 in the needs of foster children, persons with mental disorders, or
37 developmental or physical disabilities, or other groups served by
38 specialized community care facilities.

1 (2) Give priority to applications for employment from persons
2 with experience as care providers to persons served by community
3 care facilities.

4 (3) Provide new staff with comprehensive training within the
5 first six months of employment. This comprehensive training shall,
6 at a minimum, include the following core areas: administrative
7 action process, client populations, conducting facility visits, cultural
8 awareness, documentation skills, facility operations, human relation
9 skills, interviewing techniques, investigation processes, and
10 regulation administration.

11 (c) In addition to the requirements in subdivision (b), group
12 home, short-term residential therapeutic program, and foster family
13 agency licensing personnel shall receive a minimum of 24 hours
14 of training per year to increase their understanding of children in
15 group homes, short-term residential therapeutic programs, certified
16 homes, and foster family homes. The training shall cover, but not
17 be limited to, all of the following topics:

18 (1) The types and characteristics of emotionally troubled
19 children.

20 (2) The high-risk behaviors they exhibit.

21 (3) The biological, psychological, interpersonal, and social
22 contributors to these behaviors.

23 (4) The range of management and treatment interventions
24 utilized for these children, including, but not limited to, nonviolent,
25 emergency intervention techniques.

26 (5) The right of a foster child to have fair and equal access to
27 all available services, placement, care, treatment, and benefits, and
28 to not be subjected to discrimination or harassment on the basis
29 of actual or perceived race, ethnic group identification, ancestry,
30 national origin, color, religion, sex, sexual orientation, gender
31 identity, mental or physical disability, or HIV status.

32 (d) The training described in subdivisions (b) and (c) may
33 include the following topics:

34 (1) An overview of the child protective and probation systems.

35 (2) The effects of trauma, including grief and loss, and child
36 abuse or neglect on child development and behavior, and methods
37 to behaviorally support children impacted by that trauma or child
38 abuse and neglect.

39 (3) Positive discipline and the importance of self-esteem.

1 (4) Health issues in foster care, including, but not limited to,
2 the authorization, uses, risks, benefits, assistance with
3 self-administration, oversight, and monitoring of psychotropic
4 medications, and trauma, mental health, and substance use disorder
5 treatments for children in foster care under the jurisdiction of the
6 juvenile court, including how to access those treatments.

7 (5) Accessing the services and supports available to foster
8 children to address educational needs, physical, mental, and
9 behavioral health, substance use disorders, and culturally relevant
10 services.

11 (6) Instruction on cultural competency and sensitivity and related
12 best practices for, providing adequate care for children across
13 diverse ethnic and racial backgrounds, as well as for children
14 identifying as lesbian, gay, bisexual, and transgender.

15 (7) Understanding how to use best practices for providing care
16 and supervision to commercially sexually exploited children.

17 (8) Understanding the federal Indian Child Welfare Act (25
18 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
19 children covered by the act, and the best interests of Indian
20 children, including the role of the caregiver in supporting culturally
21 appropriate, child-centered practices that respect Native American
22 history, culture, retention of tribal membership, and connection to
23 the tribal community and traditions.

24 (9) Understanding how to use best practices for providing care
25 and supervision to nonminor dependents.

26 (10) Understanding how to use best practices for providing care
27 and supervision to children with special health care needs.

28 (11) Basic instruction on existing laws and procedures regarding
29 the safety of foster youth at school; and ensuring a harassment and
30 violence free school environment pursuant to Article 3.6
31 (commencing with Section 32228) of Chapter 2 of Part 19 of
32 Division 1 of Title 1 of the Education Code.

33 (12) Permanence, well-being, and educational needs of children.

34 (13) Child and adolescent development, including sexual
35 orientation, gender identity, and gender expression.

36 (14) The role of foster parents, including working cooperatively
37 with the child welfare or probation agency, the child's family, and
38 other service providers implementing the case plan.

1 (15) A foster parent's responsibility to act as a reasonable and
2 prudent parent, and to provide a family setting that promotes
3 normal childhood experiences that serve the needs of the child.

4 (16) Physical and psychosocial needs of children, including
5 behavior management, deescalation techniques, and trauma
6 informed crisis management planning.

7 SEC. 55. Section 1567.4 of the Health and Safety Code is
8 amended to read:

9 1567.4. The State Department of Social Services shall provide,
10 at cost, quarterly to each county and to each city, upon the request
11 of the county or city, and to the chief probation officer of each
12 county and city and county, a roster of all community care facilities
13 licensed as small family homes, short-term residential therapeutic
14 programs, or group homes located in the county, which provide
15 services to wards of the juvenile court, including information as
16 to whether each facility is licensed by the state or the county, the
17 type of facility, and the licensed bed capacity of each such facility.
18 Information concerning the facility shall be limited to that available
19 through the computer system of the State Department of Social
20 Services.

21 SEC. 56. Section 676.7 of the Insurance Code is amended to
22 read:

23 676.7. (a) No admitted insurer, licensed to issue and issuing
24 homeowner's or tenant's policies, as described in Section 122,
25 shall (1) fail or refuse to accept an application for that insurance
26 or to issue that insurance to an applicant or (2) cancel that
27 insurance, solely on the basis that the applicant or policyholder is
28 engaged in foster home activities in a licensed foster family home
29 or licensed small family home, as defined in Section 1502 of the
30 Health and Safety Code, or an approved resource family, as defined
31 in Section 16519.5 of the Welfare and Institutions Code.

32 (b) Coverage under policies described in subdivision (a) with
33 respect to a foster child shall be the same as that provided for a
34 natural child. However, unless specifically provided in the policy,
35 there shall be no coverage expressly provided in the policy for any
36 bodily injury arising out of the operation or use of any motor
37 vehicle, aircraft, or watercraft owned or operated by, or rented or
38 loaned to, any foster parent.

1 (c) It is against public policy for a policy of homeowner's or
2 tenant's insurance subject to this section to provide liability
3 coverage for any of the following losses:

4 (1) Claims of a foster child, or a parent, guardian, or guardian
5 ad litem thereof, of a type payable by the Foster Family Home and
6 Small Family Home Insurance Fund established by Section 1527.1
7 of the Health and Safety Code, regardless of whether the claim is
8 within the limits of coverage specified in Section 1527.4 of the
9 Health and Safety Code.

10 (2) An insurer shall not be liable, under a policy of insurance
11 subject to this section, to any governmental agency for damage
12 arising from occurrences peculiar to the foster-care relationship
13 and the provision of foster-care services.

14 (3) Alienation of affection of a foster child.

15 (4) Any loss arising out of licentious, immoral, or sexual
16 behavior on the part of a foster parent intended to lead to, or
17 culminating in, any sexual act.

18 (5) Any loss arising out of a dishonest, fraudulent, criminal, or
19 intentional act.

20 (d) There shall be no penalty for violations of this section prior
21 to January 1, 1987.

22 (e) Insurers may provide a special endorsement to a
23 homeowners' or tenants' policy covering claims related to foster
24 care that are not excluded by subdivision (c).

25 (f) Insurers may provide by a separate policy for some or all of
26 the claims related to foster care that are excluded by subdivision
27 (c).

28 SEC. 57. Section 11165.7 of the Penal Code is amended to
29 read:

30 11165.7. (a) As used in this article, "mandated reporter" is
31 defined as any of the following:

32 (1) A teacher.

33 (2) An instructional aide.

34 (3) A teacher's aide or teacher's assistant employed by a public
35 or private school.

36 (4) A classified employee of a public school.

37 (5) An administrative officer or supervisor of child welfare and
38 attendance, or a certificated pupil personnel employee of a public
39 or private school.

40 (6) An administrator of a public or private day camp.

1 (7) An administrator or employee of a public or private youth
2 center, youth recreation program, or youth organization.

3 (8) An administrator or employee of a public or private
4 organization whose duties require direct contact and supervision
5 of children.

6 (9) An employee of a county office of education or the State
7 Department of Education whose duties bring the employee into
8 contact with children on a regular basis.

9 (10) A licensee, an administrator, or an employee of a licensed
10 community care or child day care facility.

11 (11) A Head Start program teacher.

12 (12) A licensing worker or licensing evaluator employed by a
13 licensing agency, as defined in Section 11165.11.

14 (13) A public assistance worker.

15 (14) An employee of a child care institution, including, but not
16 limited to, foster parents, group home personnel, and personnel of
17 residential care facilities.

18 (15) A social worker, probation officer, or parole officer.

19 (16) An employee of a school district police or security
20 department.

21 (17) A person who is an administrator or presenter of, or a
22 counselor in, a child abuse prevention program in a public or
23 private school.

24 (18) A district attorney investigator, inspector, or local child
25 support agency caseworker, unless the investigator, inspector, or
26 caseworker is working with an attorney appointed pursuant to
27 Section 317 of the Welfare and Institutions Code to represent a
28 minor.

29 (19) A peace officer, as defined in Chapter 4.5 (commencing
30 with Section 830) of Title 3 of Part 2, who is not otherwise
31 described in this section.

32 (20) A firefighter, except for volunteer firefighters.

33 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
34 resident, intern, podiatrist, chiropractor, licensed nurse, dental
35 hygienist, optometrist, marriage and family therapist, clinical social
36 worker, professional clinical counselor, or any other person who
37 is currently licensed under Division 2 (commencing with Section
38 500) of the Business and Professions Code.

1 (22) An emergency medical technician I or II, paramedic, or
2 other person certified pursuant to Division 2.5 (commencing with
3 Section 1797) of the Health and Safety Code.

4 (23) A psychological assistant registered pursuant to Section
5 2913 of the Business and Professions Code.

6 (24) A marriage and family therapist trainee, as defined in
7 subdivision (c) of Section 4980.03 of the Business and Professions
8 Code.

9 (25) An unlicensed marriage and family therapist intern
10 registered under Section 4980.44 of the Business and Professions
11 Code.

12 (26) A state or county public health employee who treats a minor
13 for venereal disease or any other condition.

14 (27) A coroner.

15 (28) A medical examiner or other person who performs
16 autopsies.

17 (29) A commercial film and photographic print or image
18 processor as specified in subdivision (e) of Section 11166. As used
19 in this article, “commercial film and photographic print or image
20 processor” means a person who develops exposed photographic
21 film into negatives, slides, or prints, or who makes prints from
22 negatives or slides, or who prepares, publishes, produces, develops,
23 duplicates, or prints any representation of information, data, or an
24 image, including, but not limited to, any film, filmstrip, photograph,
25 negative, slide, photocopy, videotape, video laser disc, computer
26 hardware, computer software, computer floppy disk, data storage
27 medium, CD-ROM, computer-generated equipment, or
28 computer-generated image, for compensation. The term includes
29 any employee of that person; it does not include a person who
30 develops film or makes prints or images for a public agency.

31 (30) A child visitation monitor. As used in this article, “child
32 visitation monitor” means a person who, for financial
33 compensation, acts as a monitor of a visit between a child and
34 another person when the monitoring of that visit has been ordered
35 by a court of law.

36 (31) An animal control officer or humane society officer. For
37 the purposes of this article, the following terms have the following
38 meanings:

1 (A) “Animal control officer” means a person employed by a
2 city, county, or city and county for the purpose of enforcing animal
3 control laws or regulations.

4 (B) “Humane society officer” means a person appointed or
5 employed by a public or private entity as a humane officer who is
6 qualified pursuant to Section 14502 or 14503 of the Corporations
7 Code.

8 (32) A clergy member, as specified in subdivision (d) of Section
9 11166. As used in this article, “clergy member” means a priest,
10 minister, rabbi, religious practitioner, or similar functionary of a
11 church, temple, or recognized denomination or organization.

12 (33) Any custodian of records of a clergy member, as specified
13 in this section and subdivision (d) of Section 11166.

14 (34) An employee of any police department, county sheriff’s
15 department, county probation department, or county welfare
16 department.

17 (35) An employee or volunteer of a Court Appointed Special
18 Advocate program, as defined in Rule 5.655 of the California Rules
19 of Court.

20 (36) A custodial officer, as defined in Section 831.5.

21 (37) A person providing services to a minor child under Section
22 12300 or 12300.1 of the Welfare and Institutions Code.

23 (38) An alcohol and drug counselor. As used in this article, an
24 “alcohol and drug counselor” is a person providing counseling,
25 therapy, or other clinical services for a state licensed or certified
26 drug, alcohol, or drug and alcohol treatment program. However,
27 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
28 and of itself, a sufficient basis for reporting child abuse or neglect.

29 (39) A clinical counselor trainee, as defined in subdivision (g)
30 of Section 4999.12 of the Business and Professions Code.

31 (40) A clinical counselor intern registered under Section 4999.42
32 of the Business and Professions Code.

33 (41) An employee or administrator of a public or private
34 postsecondary educational institution, whose duties bring the
35 administrator or employee into contact with children on a regular
36 basis, or who supervises those whose duties bring the administrator
37 or employee into contact with children on a regular basis, as to
38 child abuse or neglect occurring on that institution’s premises or
39 at an official activity of, or program conducted by, the institution.
40 Nothing in this paragraph shall be construed as altering the

1 lawyer-client privilege as set forth in Article 3 (commencing with
2 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

3 (42) An athletic coach, athletic administrator, or athletic director
4 employed by any public or private school that provides any
5 combination of instruction for kindergarten, or grades 1 to 12,
6 inclusive.

7 (43) (A) A commercial computer technician as specified in
8 subdivision (e) of Section 11166. As used in this article,
9 “commercial computer technician” means a person who works for
10 a company that is in the business of repairing, installing, or
11 otherwise servicing a computer or computer component, including,
12 but not limited to, a computer part, device, memory storage or
13 recording mechanism, auxiliary storage recording or memory
14 capacity, or any other material relating to the operation and
15 maintenance of a computer or computer network system, for a fee.
16 An employer who provides an electronic communications service
17 or a remote computing service to the public shall be deemed to
18 comply with this article if that employer complies with Section
19 2258A of Title 18 of the United States Code.

20 (B) An employer of a commercial computer technician may
21 implement internal procedures for facilitating reporting consistent
22 with this article. These procedures may direct employees who are
23 mandated reporters under this paragraph to report materials
24 described in subdivision (e) of Section 11166 to an employee who
25 is designated by the employer to receive the reports. An employee
26 who is designated to receive reports under this subparagraph shall
27 be a commercial computer technician for purposes of this article.
28 A commercial computer technician who makes a report to the
29 designated employee pursuant to this subparagraph shall be deemed
30 to have complied with the requirements of this article and shall be
31 subject to the protections afforded to mandated reporters, including,
32 but not limited to, those protections afforded by Section 11172.

33 (44) Any athletic coach, including, but not limited to, an
34 assistant coach or a graduate assistant involved in coaching, at
35 public or private postsecondary educational institutions.

36 (45) An individual certified by a licensed foster family agency
37 as a certified family home, as defined in Section 1506 of the Health
38 and Safety Code.

1 (46) An individual approved as a resource family, as defined in
2 Section 1517 of the Health and Safety Code and Section 16519.5
3 of the Welfare and Institutions Code.

4 (b) Except as provided in paragraph (35) of subdivision (a),
5 volunteers of public or private organizations whose duties require
6 direct contact with and supervision of children are not mandated
7 reporters but are encouraged to obtain training in the identification
8 and reporting of child abuse and neglect and are further encouraged
9 to report known or suspected instances of child abuse or neglect
10 to an agency specified in Section 11165.9.

11 (c) Except as provided in subdivision (d), employers are strongly
12 encouraged to provide their employees who are mandated reporters
13 with training in the duties imposed by this article. This training
14 shall include training in child abuse and neglect identification and
15 training in child abuse and neglect reporting. Whether or not
16 employers provide their employees with training in child abuse
17 and neglect identification and reporting, the employers shall
18 provide their employees who are mandated reporters with the
19 statement required pursuant to subdivision (a) of Section 11166.5.

20 (d) Pursuant to Section 44691 of the Education Code, school
21 districts, county offices of education, state special schools and
22 diagnostic centers operated by the State Department of Education,
23 and charter schools shall annually train their employees and persons
24 working on their behalf specified in subdivision (a) in the duties
25 of mandated reporters under the child abuse reporting laws. The
26 training shall include, but not necessarily be limited to, training in
27 child abuse and neglect identification and child abuse and neglect
28 reporting.

29 (e) (1) On and after January 1, 2018, pursuant to Section
30 1596.8662 of the Health and Safety Code, a child care licensee
31 applicant shall take training in the duties of mandated reporters
32 under the child abuse reporting laws as a condition of licensure,
33 and a child care administrator or an employee of a licensed child
34 day care facility shall take training in the duties of mandated
35 reporters during the first 90 days when he or she is employed by
36 the facility.

37 (2) A person specified in paragraph (1) who becomes a licensee,
38 administrator, or employee of a licensed child day care facility
39 shall take renewal mandated reporter training every two years
40 following the date on which he or she completed the initial

1 mandated reporter training. The training shall include, but not
2 necessarily be limited to, training in child abuse and neglect
3 identification and child abuse and neglect reporting.

4 (f) Unless otherwise specifically provided, the absence of
5 training shall not excuse a mandated reporter from the duties
6 imposed by this article.

7 (g) Public and private organizations are encouraged to provide
8 their volunteers whose duties require direct contact with and
9 supervision of children with training in the identification and
10 reporting of child abuse and neglect.

11 *SEC. 57.5. Section 11165.7 of the Penal Code is amended to*
12 *read:*

13 11165.7. (a) As used in this article, “mandated reporter” is
14 defined as any of the following:

15 (1) A teacher.

16 (2) An instructional aide.

17 (3) A teacher’s aide or teacher’s assistant employed by a public
18 or private school.

19 (4) A classified employee of a public school.

20 (5) An administrative officer or supervisor of child welfare and
21 attendance, or a certificated pupil personnel employee of a public
22 or private school.

23 (6) An administrator of a public or private day camp.

24 (7) An administrator or employee of a public or private youth
25 center, youth recreation program, or youth organization.

26 (8) ~~An administrator~~ *administrator, board member*, or employee
27 of a public or private organization whose duties require direct
28 contact and supervision of ~~children~~ *children, including a foster*
29 *family agency*.

30 (9) An employee of a county office of education or the State
31 Department of Education whose duties bring the employee into
32 contact with children on a regular basis.

33 (10) A licensee, an administrator, or an employee of a licensed
34 community care or child day care facility.

35 (11) A Head Start program teacher.

36 (12) A licensing worker or licensing evaluator employed by a
37 licensing agency, as defined in Section 11165.11.

38 (13) A public assistance worker.

1 (14) An employee of a child care institution, including, but not
2 limited to, foster parents, group home personnel, and personnel of
3 residential care facilities.

4 (15) A social worker, probation officer, or parole officer.

5 (16) An employee of a school district police or security
6 department.

7 (17) A person who is an administrator or presenter of, or a
8 counselor in, a child abuse prevention program in a public or
9 private school.

10 (18) A district attorney investigator, inspector, or local child
11 support agency caseworker, unless the investigator, inspector, or
12 caseworker is working with an attorney appointed pursuant to
13 Section 317 of the Welfare and Institutions Code to represent a
14 minor.

15 (19) A peace officer, as defined in Chapter 4.5 (commencing
16 with Section 830) of Title 3 of Part 2, who is not otherwise
17 described in this section.

18 (20) A firefighter, except for volunteer firefighters.

19 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
20 resident, intern, podiatrist, chiropractor, licensed nurse, dental
21 hygienist, optometrist, marriage and family therapist, clinical social
22 worker, professional clinical counselor, or any other person who
23 is currently licensed under Division 2 (commencing with Section
24 500) of the Business and Professions Code.

25 (22) An emergency medical technician I or II, paramedic, or
26 other person certified pursuant to Division 2.5 (commencing with
27 Section 1797) of the Health and Safety Code.

28 (23) A psychological assistant registered pursuant to Section
29 2913 of the Business and Professions Code.

30 (24) A marriage and family therapist trainee, as defined in
31 subdivision (c) of Section 4980.03 of the Business and Professions
32 Code.

33 (25) An unlicensed marriage and family therapist intern
34 registered under Section 4980.44 of the Business and Professions
35 Code.

36 (26) A state or county public health employee who treats a minor
37 for venereal disease or any other condition.

38 (27) A coroner.

39 (28) A medical examiner or other person who performs
40 autopsies.

1 (29) A commercial film and photographic print or image
2 processor as specified in subdivision (e) of Section 11166. As used
3 in this article, “commercial film and photographic print or image
4 processor” means a person who develops exposed photographic
5 film into negatives, slides, or prints, or who makes prints from
6 negatives or slides, or who prepares, publishes, produces, develops,
7 duplicates, or prints any representation of information, data, or an
8 image, including, but not limited to, any film, filmstrip, photograph,
9 negative, slide, photocopy, videotape, video laser disc, computer
10 hardware, computer software, computer floppy disk, data storage
11 medium, CD-ROM, computer-generated equipment, or
12 computer-generated image, for compensation. The term includes
13 any employee of that person; it does not include a person who
14 develops film or makes prints or images for a public agency.

15 (30) A child visitation monitor. As used in this article, “child
16 visitation monitor” means a person who, for financial
17 compensation, acts as a monitor of a visit between a child and
18 another person when the monitoring of that visit has been ordered
19 by a court of law.

20 (31) An animal control officer or humane society officer. For
21 the purposes of this article, the following terms have the following
22 meanings:

23 (A) “Animal control officer” means a person employed by a
24 city, county, or city and county for the purpose of enforcing animal
25 control laws or regulations.

26 (B) “Humane society officer” means a person appointed or
27 employed by a public or private entity as a humane officer who is
28 qualified pursuant to Section 14502 or 14503 of the Corporations
29 Code.

30 (32) A clergy member, as specified in subdivision (d) of Section
31 11166. As used in this article, “clergy member” means a priest,
32 minister, rabbi, religious practitioner, or similar functionary of a
33 church, temple, or recognized denomination or organization.

34 (33) Any custodian of records of a clergy member, as specified
35 in this section and subdivision (d) of Section 11166.

36 (34) An employee of any police department, county sheriff’s
37 department, county probation department, or county welfare
38 department.

1 (35) An employee or volunteer of a Court Appointed Special
2 Advocate program, as defined in Rule 5.655 of the California Rules
3 of Court.

4 (36) A custodial officer, as defined in Section 831.5.

5 (37) A person providing services to a minor child under Section
6 12300 or 12300.1 of the Welfare and Institutions Code.

7 (38) An alcohol and drug counselor. As used in this article, an
8 “alcohol and drug counselor” is a person providing counseling,
9 therapy, or other clinical services for a state licensed or certified
10 drug, alcohol, or drug and alcohol treatment program. However,
11 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
12 and of itself, a sufficient basis for reporting child abuse or neglect.

13 (39) A clinical counselor trainee, as defined in subdivision (g)
14 of Section 4999.12 of the Business and Professions Code.

15 (40) A clinical counselor intern registered under Section 4999.42
16 of the Business and Professions Code.

17 (41) An employee or administrator of a public or private
18 postsecondary educational institution, whose duties bring the
19 administrator or employee into contact with children on a regular
20 basis, or who supervises those whose duties bring the administrator
21 or employee into contact with children on a regular basis, as to
22 child abuse or neglect occurring on that institution’s premises or
23 at an official activity of, or program conducted by, the institution.
24 Nothing in this paragraph shall be construed as altering the
25 lawyer-client privilege as set forth in Article 3 (commencing with
26 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

27 (42) An athletic coach, athletic administrator, or athletic director
28 employed by any public or private school that provides any
29 combination of instruction for kindergarten, or grades 1 to 12,
30 inclusive.

31 (43) (A) A commercial computer technician as specified in
32 subdivision (e) of Section 11166. As used in this article,
33 “commercial computer technician” means a person who works for
34 a company that is in the business of repairing, installing, or
35 otherwise servicing a computer or computer component, including,
36 but not limited to, a computer part, device, memory storage or
37 recording mechanism, auxiliary storage recording or memory
38 capacity, or any other material relating to the operation and
39 maintenance of a computer or computer network system, for a fee.
40 An employer who provides an electronic communications service

1 or a remote computing service to the public shall be deemed to
2 comply with this article if that employer complies with Section
3 2258A of Title 18 of the United States Code.

4 (B) An employer of a commercial computer technician may
5 implement internal procedures for facilitating reporting consistent
6 with this article. These procedures may direct employees who are
7 mandated reporters under this paragraph to report materials
8 described in subdivision (e) of Section 11166 to an employee who
9 is designated by the employer to receive the reports. An employee
10 who is designated to receive reports under this subparagraph shall
11 be a commercial computer technician for purposes of this article.
12 A commercial computer technician who makes a report to the
13 designated employee pursuant to this subparagraph shall be deemed
14 to have complied with the requirements of this article and shall be
15 subject to the protections afforded to mandated reporters, including,
16 but not limited to, those protections afforded by Section 11172.

17 (44) Any athletic coach, including, but not limited to, an
18 assistant coach or a graduate assistant involved in coaching, at
19 public or private postsecondary educational institutions.

20 (45) *An individual certified by a licensed foster family agency*
21 *as a certified family home, as defined in Section 1506 of the Health*
22 *and Safety Code.*

23 (46) *An individual approved as a resource family, as defined*
24 *in Section 1517 of the Health and Safety Code and Section 16519.5*
25 *of the Welfare and Institutions Code.*

26 (b) Except as provided in paragraph (35) of subdivision (a),
27 volunteers of public or private organizations whose duties require
28 direct contact with and supervision of children are not mandated
29 reporters but are encouraged to obtain training in the identification
30 and reporting of child abuse and neglect and are further encouraged
31 to report known or suspected instances of child abuse or neglect
32 to an agency specified in Section 11165.9.

33 (c) Except as provided in subdivision (d), employers are strongly
34 encouraged to provide their employees who are mandated reporters
35 with training in the duties imposed by this article. This training
36 shall include training in child abuse and neglect identification and
37 training in child abuse and neglect reporting. Whether or not
38 employers provide their employees with training in child abuse
39 and neglect identification and reporting, the employers shall

1 provide their employees who are mandated reporters with the
2 statement required pursuant to subdivision (a) of Section 11166.5.

3 (d) Pursuant to Section 44691 of the Education Code, school
4 districts, county offices of education, state special schools and
5 diagnostic centers operated by the State Department of Education,
6 and charter schools shall annually train their employees and persons
7 working on their behalf specified in subdivision (a) in the duties
8 of mandated reporters under the child abuse reporting laws. The
9 training shall include, but not necessarily be limited to, training in
10 child abuse and neglect identification and child abuse and neglect
11 reporting.

12 (e) (1) On and after January 1, 2018, pursuant to Section
13 1596.8662 of the Health and Safety Code, a child care licensee
14 applicant shall take training in the duties of mandated reporters
15 under the child abuse reporting laws as a condition of licensure,
16 and a child care administrator or an employee of a licensed child
17 day care facility shall take training in the duties of mandated
18 reporters during the first 90 days when he or she is employed by
19 the facility.

20 (2) A person specified in paragraph (1) who becomes a licensee,
21 administrator, or employee of a licensed child day care facility
22 shall take renewal mandated reporter training every two years
23 following the date on which he or she completed the initial
24 mandated reporter training. The training shall include, but not
25 necessarily be limited to, training in child abuse and neglect
26 identification and child abuse and neglect reporting.

27 (f) Unless otherwise specifically provided, the absence of
28 training shall not excuse a mandated reporter from the duties
29 imposed by this article.

30 (g) Public and private organizations are encouraged to provide
31 their volunteers whose duties require direct contact with and
32 supervision of children with training in the identification and
33 reporting of child abuse and neglect.

34 SEC. 58. Section 1541 of the Probate Code is amended to read:

35 1541. In addition to the other required contents of the petition
36 for appointment of a guardian, the petition shall include both of
37 the following:

38 (a) A statement by the proposed guardian that, upon request by
39 an agency referred to in Section 1543 for information relating to

1 the investigation referred to in that section, the proposed guardian
2 will promptly submit the information required.

3 (b) A disclosure of any petition for adoption by the proposed
4 guardian of the minor who is the subject of the guardianship
5 petition regardless of when or where filed.

6 (c) A statement whether or not the home of the proposed
7 guardian is a licensed foster family home, a certified family home
8 of a licensed foster family agency, or a resource family home
9 approved by a county or a licensed foster family agency.

10 SEC. 59. Section 1543 of the Probate Code is amended to read:

11 1543. (a) If the petition as filed or as amended states that an
12 adoption petition has been filed, a report with respect to the
13 suitability of the proposed guardian for guardianship shall be filed
14 with the court by the agency investigating the adoption. In other
15 cases, the local agency designated by the board of supervisors to
16 provide public social services shall file a report with the court with
17 respect to the proposed guardian of the same character required to
18 be made with regard to an applicant for foster family home
19 licensure, or, on and after January 1, 2020, resource family
20 approval, as described in Section 16519.5 of the Welfare and
21 Institutions Code.

22 (b) The report filed with the court pursuant to this section is
23 confidential. The report may be considered by the court and shall
24 be made available only to the persons who have been served in
25 the proceeding and the persons who have appeared in the
26 proceeding or their attorneys. The report may be received in
27 evidence upon stipulation of counsel for all of those persons who
28 are present at the hearing or, if a person is present at the hearing
29 but is not represented by counsel, upon consent of that person.

30 SEC. 60. Section 291 of the Welfare and Institutions Code, as
31 amended by Section 5 of Chapter 219 of the Statutes of 2015, is
32 amended to read:

33 291. After the initial petition hearing, the clerk of the court
34 shall cause the notice to be served in the following manner:

35 (a) Notice of the hearing shall be given to the following persons:

- 36 (1) The mother.
37 (2) The father or fathers, presumed and alleged.
38 (3) The legal guardian or guardians.
39 (4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

(6) Each attorney of record unless counsel of record is present in court when the hearing is scheduled, then no further notice need be given.

(7) If there is no parent or guardian residing in California, or if the residence is unknown, then to any adult relative residing within the county, or, if none, the adult relative residing nearest the court.

(8) If the hearing is a dispositional hearing that is also serving as a permanency hearing pursuant to subdivision (f) of Section 361.5, notice shall be given to the current caregiver for the child, including foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, and resource family. Any person notified may attend all hearings and may submit any information he or she deems relevant to the court in writing.

(b) No notice is required for a parent whose parental rights have been terminated.

(c) Notice shall be served as follows:

(1) If the child is detained, the notice shall be given to the persons required to be noticed as soon as possible, and at least five days before the hearing, unless the hearing is set less than five days and then at least 24 hours prior to the hearing.

(2) If the child is not detained, the notice shall be given to those persons required to be noticed at least 10 days prior to the date of the hearing.

(d) The notice shall include all of the following:

(1) The name and address of the person notified.

(2) The nature of the hearing.

(3) Each section and subdivision under which the proceeding has been initiated.

(4) The date, time, and place of the hearing.

(5) The name of the child upon whose behalf the petition has been brought.

(6) A statement that:

1 (A) If they fail to appear, the court may proceed without them.

2 (B) The child, parent, guardian, Indian custodian, or adult
3 relative to whom notice is required to be given pursuant to
4 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
5 have an attorney present at the hearing.

6 (C) If the parent, guardian, Indian custodian, or adult relative
7 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
8 (a) is indigent and cannot afford an attorney, and desires to be
9 represented by an attorney, the parent, guardian, Indian custodian,
10 or adult relative shall promptly notify the clerk of the juvenile
11 court.

12 (D) If an attorney is appointed to represent the parent, guardian,
13 Indian custodian, or adult relative, the represented person shall be
14 liable for all or a portion of the costs to the extent of his or her
15 ability to pay.

16 (E) The parent, guardian, Indian custodian, or adult relative may
17 be liable for the costs of support of the child in any out-of-home
18 placement.

19 (7) A copy of the petition.

20 (e) Service of the notice of the hearing shall be given in the
21 following manner:

22 (1) If the child is detained and the persons required to be noticed
23 are not present at the initial petition hearing, they shall be noticed
24 by personal service or by certified mail, return receipt requested.

25 (2) If the child is detained and the persons required to be noticed
26 are present at the initial petition hearing, they shall be noticed by
27 personal service or by first-class mail.

28 (3) If the child is not detained, the persons required to be noticed
29 shall be noticed by personal service or by first-class mail, unless
30 the person to be served is known to reside outside the county, in
31 which case service shall be by first-class mail.

32 (4) Except as provided in subdivisions (g), (h), and (i), notice
33 may be served by electronic mail in lieu of notice by first-class
34 mail if the county, or city and county, and the court choose to
35 permit service by electronic mail and the person to be served has
36 consented to service by electronic mail by signing Judicial Council
37 Form EFS-005.

38 (f) Any of the notices required to be given under this section or
39 Sections 290.1 and 290.2 may be waived by a party in person or

1 through his or her attorney, or by a signed written waiver filed on
2 or before the date scheduled for the hearing.

3 (g) If the court knows or has reason to know that an Indian child
4 is involved, notice shall be given in accordance with Section 224.2.

5 (h) Except as provided in subdivision (i), if notice is required
6 to be provided to a child pursuant to paragraph (4) or (5) of
7 subdivision (a), written notice may be served on the child by
8 electronic mail only if all of the following requirements are
9 satisfied:

10 (1) The county, or city and county, and the court choose to
11 permit service by electronic mail.

12 (2) The child is 16 years of age or older.

13 (3) The child has consented to service by electronic mail by
14 signing Judicial Council Form EFS-005.

15 (4) The attorney for the child has consented to service of the
16 minor by electronic mail by signing Judicial Council Form
17 EFS-005.

18 (i) If notice is required to be provided to a child pursuant to
19 paragraph (4) or (5) of subdivision (a), written notice may be served
20 on the child by electronic mail as well as by regular mail if all of
21 the following requirements are satisfied:

22 (1) The county, or city and county, and the court choose to
23 permit service by electronic mail.

24 (2) The child is 14 or 15 years of age.

25 (3) The child has consented to service by electronic mail by
26 signing Judicial Council Form EFS-005.

27 (4) The attorney for the child has consented to service of the
28 minor by electronic mail by signing Judicial Council Form
29 EFS-005.

30 (j) This section shall remain in effect only until January 1, 2019,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2019, deletes or extends that date.

33 SEC. 61. Section 291 of the Welfare and Institutions Code, as
34 added by Section 6 of Chapter 219 of the Statutes of 2015, is
35 amended to read:

36 291. After the initial petition hearing, the clerk of the court
37 shall cause the notice to be served in the following manner:

38 (a) Notice of the hearing shall be given to the following persons:

39 (1) The mother.

40 (2) The father or fathers, presumed and alleged.

1 (3) The legal guardian or guardians.

2 (4) The child, if the child is 10 years of age or older.

3 (5) Any known sibling of the child who is the subject of the
4 hearing if that sibling either is the subject of a dependency
5 proceeding or has been adjudged to be a dependent child of the
6 juvenile court. If the sibling is 10 years of age or older, the sibling,
7 the sibling's caregiver, and the sibling's attorney. If the sibling is
8 under 10 years of age, the sibling's caregiver and the sibling's
9 attorney. However, notice is not required to be given to any sibling
10 whose matter is calendared in the same court on the same day.

11 (6) Each attorney of record unless counsel of record is present
12 in court when the hearing is scheduled, then no further notice need
13 be given.

14 (7) If there is no parent or guardian residing in California, or if
15 the residence is unknown, then to any adult relative residing within
16 the county, or, if none, the adult relative residing nearest the court.

17 (8) If the hearing is a dispositional hearing that is also serving
18 as a permanency hearing pursuant to subdivision (f) of Section
19 361.5, notice shall be given to the current caregiver for the child,
20 including foster parents, relative caregivers, preadoptive parents,
21 nonrelative extended family members, and resource family. Any
22 person notified may attend all hearings and may submit any
23 information he or she deems relevant to the court in writing.

24 (b) No notice is required for a parent whose parental rights have
25 been terminated.

26 (c) Notice shall be served as follows:

27 (1) If the child is detained, the notice shall be given to the
28 persons required to be noticed as soon as possible, and at least five
29 days before the hearing, unless the hearing is set less than five
30 days and then at least 24 hours prior to the hearing.

31 (2) If the child is not detained, the notice shall be given to those
32 persons required to be noticed at least 10 days prior to the date of
33 the hearing.

34 (d) The notice shall include all of the following:

35 (1) The name and address of the person notified.

36 (2) The nature of the hearing.

37 (3) Each section and subdivision under which the proceeding
38 has been initiated.

39 (4) The date, time, and place of the hearing.

1 (5) The name of the child upon whose behalf the petition has
2 been brought.

3 (6) A statement that:

4 (A) If they fail to appear, the court may proceed without them.

5 (B) The child, parent, guardian, Indian custodian, or adult
6 relative to whom notice is required to be given pursuant to
7 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
8 have an attorney present at the hearing.

9 (C) If the parent, guardian, Indian custodian, or adult relative
10 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
11 (a) is indigent and cannot afford an attorney, and desires to be
12 represented by an attorney, the parent, guardian, Indian custodian,
13 or adult relative shall promptly notify the clerk of the juvenile
14 court.

15 (D) If an attorney is appointed to represent the parent, guardian,
16 Indian custodian, or adult relative, the represented person shall be
17 liable for all or a portion of the costs to the extent of his or her
18 ability to pay.

19 (E) The parent, guardian, Indian custodian, or adult relative may
20 be liable for the costs of support of the child in any out-of-home
21 placement.

22 (7) A copy of the petition.

23 (e) Service of the notice of the hearing shall be given in the
24 following manner:

25 (1) If the child is detained and the persons required to be noticed
26 are not present at the initial petition hearing, they shall be noticed
27 by personal service or by certified mail, return receipt requested.

28 (2) If the child is detained and the persons required to be noticed
29 are present at the initial petition hearing, they shall be noticed by
30 personal service or by first-class mail.

31 (3) If the child is not detained, the persons required to be noticed
32 shall be noticed by personal service or by first-class mail, unless
33 the person to be served is known to reside outside the county, in
34 which case service shall be by first-class mail.

35 (f) Any of the notices required to be given under this section or
36 Sections 290.1 and 290.2 may be waived by a party in person or
37 through his or her attorney, or by a signed written waiver filed on
38 or before the date scheduled for the hearing.

39 (g) If the court knows or has reason to know that an Indian child
40 is involved, notice shall be given in accordance with Section 224.2.

1 (h) This section shall become operative on January 1, 2019.

2 SEC. 62. Section 293 of the Welfare and Institutions Code, as
3 amended by Section 9 of Chapter 219 of the Statutes of 2015, is
4 amended to read:

5 293. The social worker or probation officer shall give notice
6 of the review hearings held pursuant to Section 366.21, 366.22,
7 or 366.25 in the following manner:

8 (a) Notice of the hearing shall be given to the following persons:

9 (1) The mother.

10 (2) The presumed father or any father receiving services.

11 (3) The legal guardian or guardians.

12 (4) The child, if the child is 10 years of age or older.

13 (5) Any known sibling of the child who is the subject of the
14 hearing if that sibling either is the subject of a dependency
15 proceeding or has been adjudged to be a dependent child of the
16 juvenile court. If the sibling is 10 years of age or older, the sibling,
17 the sibling's caregiver, and the sibling's attorney. If the sibling is
18 under 10 years of age, the sibling's caregiver and the sibling's
19 attorney. However, notice is not required to be given to any sibling
20 whose matter is calendared in the same court on the same day.

21 (6) In the case of a child removed from the physical custody of
22 his or her parent or legal guardian, the current caregiver of the
23 child, including the foster parents, relative caregivers, preadoptive
24 parents, nonrelative extended family members, resource family,
25 community care facility, or foster family agency having custody
26 of the child. In a case in which a foster family agency is notified
27 of the hearing pursuant to this section, and the child resides in a
28 foster home certified by the foster family agency, the foster family
29 agency shall provide timely notice of the hearing to the child's
30 caregivers.

31 (7) Each attorney of record if that attorney was not present at
32 the time that the hearing was set by the court.

33 (b) No notice is required for a parent whose parental rights have
34 been terminated. On and after January 1, 2012, in the case of a
35 nonminor dependent, as described in subdivision (v) of Section
36 11400, no notice is required for a parent.

37 (c) The notice of hearing shall be served not earlier than 30
38 days, nor later than 15 days, before the hearing.

39 (d) The notice shall contain a statement regarding the nature of
40 the hearing to be held and any change in the custody or status of

1 the child being recommended by the supervising agency. If the
2 notice is to the child, parent or parents, or legal guardian or
3 guardians, the notice shall also advise them of the right to be
4 present, the right to be represented by counsel, the right to request
5 counsel, and the right to present evidence. The notice shall also
6 state that if the parent or parents or legal guardian or guardians
7 fail to appear, the court may proceed without them.

8 (e) Service of the notice shall be by first-class mail addressed
9 to the last known address of the person to be noticed or by personal
10 service on the person. Service of a copy of the notice shall be by
11 personal service or by certified mail, return receipt requested, or
12 any other form of notice that is equivalent to service by first-class
13 mail. Except as provided in subdivisions (g), (h), and (i), notice
14 may be served by electronic mail in lieu of notice by first-class
15 mail if the county, or city and county, and the court choose to
16 permit service by electronic mail and the person to be served has
17 consented to service by electronic mail by signing Judicial Council
18 Form EFS-005.

19 (f) Notice to the current caregiver of the child, including a foster
20 parent, a relative caregiver, a preadoptive parent, a nonrelative
21 extended family member, a resource family, a certified foster parent
22 who has been approved for adoption, or the State Department of
23 Social Services when it is acting as an adoption agency or by a
24 county adoption agency, shall indicate that the person notified may
25 attend all hearings or may submit any information he or she deems
26 relevant to the court in writing.

27 (g) If the social worker or probation officer knows or has reason
28 to know that an Indian child is involved, notice shall be given in
29 accordance with Section 224.2.

30 (h) Except as provided in subdivision (i), if notice is required
31 to be provided to a child pursuant to paragraph (4) or (5) of
32 subdivision (a), written notice may be served on the child by
33 electronic mail only if all of the following requirements are
34 satisfied:

35 (1) The county, or city and county, and the court choose to
36 permit service by electronic mail.

37 (2) The child is 16 years of age or older.

38 (3) The child has consented to service by electronic mail by
39 signing Judicial Council Form EFS-005.

1 (4) The attorney for the child has consented to service of the
2 minor by electronic mail by signing Judicial Council Form
3 EFS-005.

4 (i) If notice is required to be provided to a child pursuant to
5 paragraph (4) or (5) of subdivision (a), written notice may be served
6 on the child by electronic mail as well as by regular mail if all of
7 the following requirements are satisfied:

8 (1) The county, or city and county, and the court choose to
9 permit service by electronic mail.

10 (2) The child is 14 or 15 years of age.

11 (3) The child has consented to service by electronic mail by
12 signing Judicial Council Form EFS-005.

13 (4) The attorney for the child has consented to service of the
14 minor by electronic mail by signing Judicial Council Form
15 EFS-005.

16 (j) This section shall remain in effect only until January 1, 2019,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2019, deletes or extends that date.

19 SEC. 63. Section 293 of the Welfare and Institutions Code, as
20 added by Section 10 of Chapter 219 of the Statutes of 2015, is
21 amended to read:

22 293. The social worker or probation officer shall give notice
23 of the review hearings held pursuant to Section 366.21, 366.22,
24 or 366.25 in the following manner:

25 (a) Notice of the hearing shall be given to the following persons:

26 (1) The mother.

27 (2) The presumed father or any father receiving services.

28 (3) The legal guardian or guardians.

29 (4) The child, if the child is 10 years of age or older.

30 (5) Any known sibling of the child who is the subject of the
31 hearing if that sibling either is the subject of a dependency
32 proceeding or has been adjudged to be a dependent child of the
33 juvenile court. If the sibling is 10 years of age or older, the sibling,
34 the sibling's caregiver, and the sibling's attorney. If the sibling is
35 under 10 years of age, the sibling's caregiver and the sibling's
36 attorney. However, notice is not required to be given to any sibling
37 whose matter is calendared in the same court on the same day.

38 (6) In the case of a child removed from the physical custody of
39 his or her parent or legal guardian, the current caregiver of the
40 child, including the foster parents, relative caregivers, preadoptive

1 parents, nonrelative extended family members, resource family,
2 community care facility, or foster family agency having custody
3 of the child. In a case in which a foster family agency is notified
4 of the hearing pursuant to this section, and the child resides in a
5 foster home certified by the foster family agency, the foster family
6 agency shall provide timely notice of the hearing to the child's
7 caregivers.

8 (7) Each attorney of record if that attorney was not present at
9 the time that the hearing was set by the court.

10 (b) No notice is required for a parent whose parental rights have
11 been terminated. On and after January 1, 2012, in the case of a
12 nonminor dependent, as described in subdivision (v) of Section
13 11400, no notice is required for a parent.

14 (c) The notice of hearing shall be served not earlier than 30
15 days, nor later than 15 days, before the hearing.

16 (d) The notice shall contain a statement regarding the nature of
17 the hearing to be held and any change in the custody or status of
18 the child being recommended by the supervising agency. If the
19 notice is to the child, parent or parents, or legal guardian or
20 guardians, the notice shall also advise them of the right to be
21 present, the right to be represented by counsel, the right to request
22 counsel, and the right to present evidence. The notice shall also
23 state that if the parent or parents or legal guardian or guardians
24 fail to appear, the court may proceed without them.

25 (e) Service of the notice shall be by first-class mail addressed
26 to the last known address of the person to be noticed or by personal
27 service on the person. Service of a copy of the notice shall be by
28 personal service or by certified mail, return receipt requested, or
29 any other form of notice that is equivalent to service by first-class
30 mail.

31 (f) Notice to the current caregiver of the child, including a foster
32 parent, a relative caregiver, a preadoptive parent, a nonrelative
33 extended family member, a resource family, a certified foster parent
34 who has been approved for adoption, or the State Department of
35 Social Services when it is acting as an adoption agency or by a
36 county adoption agency, shall indicate that the person notified may
37 attend all hearings or may submit any information he or she deems
38 relevant to the court in writing.

1 (g) If the social worker or probation officer knows or has reason
2 to know that an Indian child is involved, notice shall be given in
3 accordance with Section 224.2.

4 (h) This section shall become operative on January 1, 2019.

5 SEC. 64. Section 294 of the Welfare and Institutions Code, as
6 amended by Section 11 of Chapter 219 of the Statutes of 2015, is
7 amended to read:

8 294. The social worker or probation officer shall give notice
9 of a selection and implementation hearing held pursuant to Section
10 366.26 in the following manner:

11 (a) Notice of the hearing shall be given to the following persons:

12 (1) The mother.

13 (2) The fathers, presumed and alleged.

14 (3) The child, if the child is 10 years of age or older.

15 (4) Any known sibling of the child who is the subject of the
16 hearing if that sibling either is the subject of a dependency
17 proceeding or has been adjudged to be a dependent child of the
18 juvenile court. If the sibling is 10 years of age or older, the sibling,
19 the sibling's caregiver, and the sibling's attorney. If the sibling is
20 under 10 years of age, the sibling's caregiver and the sibling's
21 attorney. However, notice is not required to be given to any sibling
22 whose matter is calendared in the same court on the same day.

23 (5) The grandparents of the child, if their address is known and
24 if the parent's whereabouts are unknown.

25 (6) All counsel of record.

26 (7) To any unknown parent by publication, if ordered by the
27 court pursuant to paragraph (2) of subdivision (g).

28 (8) The current caregiver of the child, including foster parents,
29 relative caregivers, preadoptive parents, nonrelative extended
30 family members, or resource family. Any person notified may
31 attend all hearings and may submit any information he or she
32 deems relevant to the court in writing.

33 (b) The following persons shall not be notified of the hearing:

34 (1) A parent who has relinquished the child to the State
35 Department of Social Services, county adoption agency, or licensed
36 adoption agency for adoption, and the relinquishment has been
37 accepted and filed with notice as required under Section 8700 of
38 the Family Code.

39 (2) An alleged father who has denied paternity and has executed
40 a waiver of the right to notice of further proceedings.

1 (3) A parent whose parental rights have been terminated.

2 (c) (1) Service of the notice shall be completed at least 45 days
3 before the hearing date. Service is deemed complete at the time
4 the notice is personally delivered to the person named in the notice
5 or 10 days after the notice has been placed in the mail or sent by
6 electronic mail, or at the expiration of the time prescribed by the
7 order for publication.

8 (2) Service of notice in cases where publication is ordered shall
9 be completed at least 30 days before the date of the hearing.

10 (d) Regardless of the type of notice required, or the manner in
11 which it is served, once the court has made the initial finding that
12 notice has properly been given to the parent, or to any person
13 entitled to receive notice pursuant to this section, subsequent notice
14 for any continuation of a Section 366.26 hearing may be by
15 first-class mail to any last known address, by an order made
16 pursuant to Section 296, except as provided in paragraphs (2) and
17 (3) of subdivision (h) and subdivision (i), by electronic mail if the
18 county, or city and county, and the court choose to permit service
19 by electronic mail and the person to be served has consented to
20 service by electronic mail by signing Judicial Council Form
21 EFS-005, or by any other means that the court determines is
22 reasonably calculated, under any circumstance, to provide notice
23 of the continued hearing. However, if the recommendation changes
24 from the recommendation contained in the notice previously found
25 to be proper, notice shall be provided to the parent, and to any
26 person entitled to receive notice pursuant to this section, regarding
27 that subsequent hearing.

28 (e) The notice shall contain the following information:

29 (1) The date, time, and place of the hearing.

30 (2) The right to appear.

31 (3) The parents' right to counsel.

32 (4) The nature of the proceedings.

33 (5) The recommendation of the supervising agency.

34 (6) A statement that, at the time of hearing, the court is required
35 to select a permanent plan of adoption, legal guardianship,
36 placement with a fit and willing relative, or another planned
37 permanent living arrangement, as appropriate, for the child.

38 (f) Notice to the parents may be given in any one of the
39 following manners:

1 (1) If the parent is present at the hearing at which the court
2 schedules a hearing pursuant to Section 366.26, the court shall
3 advise the parent of the date, time, and place of the proceedings,
4 their right to counsel, the nature of the proceedings, and the
5 requirement that at the proceedings the court shall select and
6 implement a plan of adoption, legal guardianship, placement with
7 a fit and willing relative, or another planned permanent living
8 arrangement, as appropriate, for the child. The court shall direct
9 the parent to appear for the proceedings and then direct that the
10 parent be notified thereafter by first-class mail to the parent's usual
11 place of residence or business only. In lieu of notice by first-class
12 mail, notice may be served by electronic mail if the county, or city
13 and county, and the court choose to permit service by electronic
14 mail and the person to be served has consented to service by
15 electronic mail by signing Judicial Council Form EFS-005.

16 (2) Certified mail, return receipt requested, to the parent's last
17 known mailing address. This notice shall be sufficient if the child
18 welfare agency receives a return receipt signed by the parent.

19 (3) Personal service to the parent named in the notice.

20 (4) Delivery to a competent person who is at least 18 years of
21 age at the parent's usual place of residence or business, and
22 thereafter mailed to the parent named in the notice by first-class
23 mail at the place where the notice was delivered.

24 (5) If the residence of the parent is outside the state, service
25 may be made as described in paragraph (1), (3), or (4) or by
26 certified mail, return receipt requested.

27 (6) If the recommendation of the probation officer or social
28 worker is legal guardianship, placement with a fit and willing
29 relative, or another planned permanent living arrangement, as
30 appropriate, or, in the case of an Indian child, tribal customary
31 adoption, service may be made by first-class mail to the parent's
32 usual place of residence or business. In lieu of notice by first-class
33 mail, notice may be served by electronic mail if the county, or city
34 and county, and the court choose to permit service by electronic
35 mail and the person to be served has consented to service by
36 electronic mail by signing Judicial Council Form EFS-005.

37 (7) If a parent's identity is known but his or her whereabouts
38 are unknown and the parent cannot, with reasonable diligence, be
39 served in any manner specified in paragraphs (1) to (6), inclusive,
40 the petitioner shall file an affidavit with the court at least 75 days

1 before the hearing date, stating the name of the parent and
2 describing the efforts made to locate and serve the parent.

3 (A) If the court determines that there has been due diligence in
4 attempting to locate and serve the parent and the probation officer
5 or social worker recommends adoption, service shall be to that
6 parent's attorney of record, if any, by certified mail, return receipt
7 requested. If the parent does not have an attorney of record, the
8 court shall order that service be made by publication of citation
9 requiring the parent to appear at the date, time, and place stated in
10 the citation, and that the citation be published in a newspaper
11 designated as most likely to give notice to the parent. Publication
12 shall be made once a week for four consecutive weeks. Whether
13 notice is to the attorney of record or by publication, the court shall
14 also order that notice be given to the grandparents of the child, if
15 their identities and addresses are known, by first-class mail.

16 (B) If the court determines that there has been due diligence in
17 attempting to locate and serve the parent and the probation officer
18 or social worker recommends legal guardianship, placement with
19 a fit and willing relative, or another planned permanent living
20 arrangement, as appropriate, no further notice is required to the
21 parent, but the court shall order that notice be given to the
22 grandparents of the child, if their identities and addresses are
23 known, by first-class mail.

24 (C) In any case where the residence of the parent becomes
25 known, notice shall immediately be served upon the parent as
26 provided for in either paragraph (2), (3), (4), (5), or (6).

27 (g) (1) If the identity of one or both of the parents, or alleged
28 parents, of the child is unknown, or if the name of one or both
29 parents is uncertain, then that fact shall be set forth in the affidavit
30 filed with the court at least 75 days before the hearing date and
31 the court, consistent with the provisions of Sections 7665 and 7666
32 of the Family Code, shall issue an order dispensing with notice to
33 a natural parent or possible natural parent under this section if,
34 after inquiry and a determination that there has been due diligence
35 in attempting to identify the unknown parent, the court is unable
36 to identify the natural parent or possible natural parent and no
37 person has appeared claiming to be the natural parent.

38 (2) After a determination that there has been due diligence in
39 attempting to identify an unknown parent pursuant to paragraph
40 (1) and the probation officer or social worker recommends

1 adoption, the court shall consider whether publication notice would
2 be likely to lead to actual notice to the unknown parent. The court
3 may order publication notice if, on the basis of all information
4 before the court, the court determines that notice by publication
5 is likely to lead to actual notice to the parent. If publication notice
6 to an unknown parent is ordered, the court shall order the published
7 citation to be directed to either the father or mother, or both, of
8 the child, and to all persons claiming to be the father or mother of
9 the child, naming and otherwise describing the child. An order of
10 publication pursuant to this paragraph shall be based on an affidavit
11 describing efforts made to identify the unknown parent or parents.
12 Service made by publication pursuant to this paragraph shall
13 require the unknown parent or parents to appear at the date, time,
14 and place stated in the citation. Publication shall be made once a
15 week for four consecutive weeks.

16 (3) If the court determines that there has been due diligence in
17 attempting to identify one or both of the parents, or alleged parents,
18 of the child and the probation officer or social worker recommends
19 legal guardianship, placement with a fit and willing relative, or
20 another planned permanent living arrangement, as appropriate, no
21 further notice to the parent shall be required.

22 (h) (1) Notice to all counsel of record shall be by first-class
23 mail, or by electronic mail if the county, or city and county, and
24 the court choose to permit service by electronic mail and the person
25 to be served has consented to service by electronic mail by signing
26 Judicial Council Form EFS-005.

27 (2) Except as provided in paragraph (3), if notice is required to
28 be provided to a child, written notice may be served on the child
29 by electronic mail only if all of the following requirements are
30 satisfied:

31 (A) The county, or city and county, and the court choose to
32 permit service by electronic mail.

33 (B) The child is 16 years of age or older.

34 (C) The child has consented to service by electronic mail by
35 signing Judicial Council Form EFS-005.

36 (D) The attorney for the child has consented to service of the
37 minor by electronic mail by signing Judicial Council Form
38 EFS-005.

(3) If notice is required to be provided to a child, written notice may be served on the child by electronic mail as well as by regular mail if all of the following requirements are satisfied:

(A) The county, or city and county, and the court choose to permit service by electronic mail.

(B) The child is 14 or 15 years of age.

(C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.

(D) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.

(i) If the court knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

(j) Notwithstanding subdivision (a), if the attorney of record is present at the time the court schedules a hearing pursuant to Section 366.26, no further notice is required, except as required by subparagraph (A) of paragraph (7) of subdivision (f).

(k) This section shall also apply to children adjudged wards pursuant to Section 727.31.

(l) The court shall state the reasons on the record explaining why good cause exists for granting any continuance of a hearing held pursuant to Section 366.26 to fulfill the requirements of this section.

(m) Notwithstanding any choice by a county, or city and county, and the court to permit service of written notice of court proceedings by electronic mail, or consent by any person to service of written notice by electronic mail by signing Judicial Council Form EFS-005, notice of any hearing at which the county welfare department is recommending the termination of parental rights may only be served by electronic mail if supplemental and in addition to the other forms of notice provided for in this section.

(n) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 65. Section 294 of the Welfare and Institutions Code, as added by Section 12 of Chapter 219 of the Statutes of 2015, is amended to read:

294. The social worker or probation officer shall give notice of a selection and implementation hearing held pursuant to Section 366.26 in the following manner:

1 (a) Notice of the hearing shall be given to the following persons:

2 (1) The mother.

3 (2) The fathers, presumed and alleged.

4 (3) The child, if the child is 10 years of age or older.

5 (4) Any known sibling of the child who is the subject of the
6 hearing if that sibling either is the subject of a dependency
7 proceeding or has been adjudged to be a dependent child of the
8 juvenile court. If the sibling is 10 years of age or older, the sibling,
9 the sibling's caregiver, and the sibling's attorney. If the sibling is
10 under 10 years of age, the sibling's caregiver and the sibling's
11 attorney. However, notice is not required to be given to any sibling
12 whose matter is calendared in the same court on the same day.

13 (5) The grandparents of the child, if their address is known and
14 if the parent's whereabouts are unknown.

15 (6) All counsel of record.

16 (7) To any unknown parent by publication, if ordered by the
17 court pursuant to paragraph (2) of subdivision (g).

18 (8) The current caregiver of the child, including foster parents,
19 relative caregivers, preadoptive parents, nonrelative extended
20 family members, or resource family. Any person notified may
21 attend all hearings and may submit any information he or she
22 deems relevant to the court in writing.

23 (b) The following persons shall not be notified of the hearing:

24 (1) A parent who has relinquished the child to the State
25 Department of Social Services, county adoption agency, or licensed
26 adoption agency for adoption, and the relinquishment has been
27 accepted and filed with notice as required under Section 8700 of
28 the Family Code.

29 (2) An alleged father who has denied paternity and has executed
30 a waiver of the right to notice of further proceedings.

31 (3) A parent whose parental rights have been terminated.

32 (c) (1) Service of the notice shall be completed at least 45 days
33 before the hearing date. Service is deemed complete at the time
34 the notice is personally delivered to the person named in the notice
35 or 10 days after the notice has been placed in the mail, or at the
36 expiration of the time prescribed by the order for publication.

37 (2) Service of notice in cases where publication is ordered shall
38 be completed at least 30 days before the date of the hearing.

39 (d) Regardless of the type of notice required, or the manner in
40 which it is served, once the court has made the initial finding that

1 notice has properly been given to the parent, or to any person
2 entitled to receive notice pursuant to this section, subsequent notice
3 for any continuation of a Section 366.26 hearing may be by
4 first-class mail to any last known address, by an order made
5 pursuant to Section 296, or by any other means that the court
6 determines is reasonably calculated, under any circumstance, to
7 provide notice of the continued hearing. However, if the
8 recommendation changes from the recommendation contained in
9 the notice previously found to be proper, notice shall be provided
10 to the parent, and to any person entitled to receive notice pursuant
11 to this section, regarding that subsequent hearing.

12 (e) The notice shall contain the following information:

- 13 (1) The date, time, and place of the hearing.
- 14 (2) The right to appear.
- 15 (3) The parents' right to counsel.
- 16 (4) The nature of the proceedings.
- 17 (5) The recommendation of the supervising agency.
- 18 (6) A statement that, at the time of hearing, the court is required
19 to select a permanent plan of adoption, legal guardianship,
20 placement with a fit and willing relative, or another planned
21 permanent living arrangement, as appropriate, for the child.

22 (f) Notice to the parents may be given in any one of the
23 following manners:

24 (1) If the parent is present at the hearing at which the court
25 schedules a hearing pursuant to Section 366.26, the court shall
26 advise the parent of the date, time, and place of the proceedings,
27 their right to counsel, the nature of the proceedings, and the
28 requirement that at the proceedings the court shall select and
29 implement a plan of adoption, legal guardianship, placement with
30 a fit and willing relative, or another planned permanent living
31 arrangement, as appropriate, for the child. The court shall direct
32 the parent to appear for the proceedings and then direct that the
33 parent be notified thereafter by first-class mail to the parent's usual
34 place of residence or business only.

35 (2) Certified mail, return receipt requested, to the parent's last
36 known mailing address. This notice shall be sufficient if the child
37 welfare agency receives a return receipt signed by the parent.

38 (3) Personal service to the parent named in the notice.

39 (4) Delivery to a competent person who is at least 18 years of
40 age at the parent's usual place of residence or business, and

1 thereafter mailed to the parent named in the notice by first-class
2 mail at the place where the notice was delivered.

3 (5) If the residence of the parent is outside the state, service
4 may be made as described in paragraph (1), (3), or (4) or by
5 certified mail, return receipt requested.

6 (6) If the recommendation of the probation officer or social
7 worker is legal guardianship, placement with a fit and willing
8 relative, or another planned permanent living arrangement, as
9 appropriate, or, in the case of an Indian child, tribal customary
10 adoption, service may be made by first-class mail to the parent's
11 usual place of residence or business.

12 (7) If a parent's identity is known but his or her whereabouts
13 are unknown and the parent cannot, with reasonable diligence, be
14 served in any manner specified in paragraphs (1) to (6), inclusive,
15 the petitioner shall file an affidavit with the court at least 75 days
16 before the hearing date, stating the name of the parent and
17 describing the efforts made to locate and serve the parent.

18 (A) If the court determines that there has been due diligence in
19 attempting to locate and serve the parent and the probation officer
20 or social worker recommends adoption, service shall be to that
21 parent's attorney of record, if any, by certified mail, return receipt
22 requested. If the parent does not have an attorney of record, the
23 court shall order that service be made by publication of citation
24 requiring the parent to appear at the date, time, and place stated in
25 the citation, and that the citation be published in a newspaper
26 designated as most likely to give notice to the parent. Publication
27 shall be made once a week for four consecutive weeks. Whether
28 notice is to the attorney of record or by publication, the court shall
29 also order that notice be given to the grandparents of the child, if
30 their identities and addresses are known, by first-class mail.

31 (B) If the court determines that there has been due diligence in
32 attempting to locate and serve the parent and the probation officer
33 or social worker recommends legal guardianship, placement with
34 a fit and willing relative, or another planned permanent living
35 arrangement, as appropriate, no further notice is required to the
36 parent, but the court shall order that notice be given to the
37 grandparents of the child, if their identities and addresses are
38 known, by first-class mail.

1 (C) In any case where the residence of the parent becomes
2 known, notice shall immediately be served upon the parent as
3 provided for in either paragraph (2), (3), (4), (5), or (6).

4 (g) (1) If the identity of one or both of the parents, or alleged
5 parents, of the child is unknown, or if the name of one or both
6 parents is uncertain, then that fact shall be set forth in the affidavit
7 filed with the court at least 75 days before the hearing date and
8 the court, consistent with the provisions of Sections 7665 and 7666
9 of the Family Code, shall issue an order dispensing with notice to
10 a natural parent or possible natural parent under this section if,
11 after inquiry and a determination that there has been due diligence
12 in attempting to identify the unknown parent, the court is unable
13 to identify the natural parent or possible natural parent and no
14 person has appeared claiming to be the natural parent.

15 (2) After a determination that there has been due diligence in
16 attempting to identify an unknown parent pursuant to paragraph
17 (1) and the probation officer or social worker recommends
18 adoption, the court shall consider whether publication notice would
19 be likely to lead to actual notice to the unknown parent. The court
20 may order publication notice if, on the basis of all information
21 before the court, the court determines that notice by publication
22 is likely to lead to actual notice to the parent. If publication notice
23 to an unknown parent is ordered, the court shall order the published
24 citation to be directed to either the father or mother, or both, of
25 the child, and to all persons claiming to be the father or mother of
26 the child, naming and otherwise describing the child. An order of
27 publication pursuant to this paragraph shall be based on an affidavit
28 describing efforts made to identify the unknown parent or parents.
29 Service made by publication pursuant to this paragraph shall
30 require the unknown parent or parents to appear at the date, time,
31 and place stated in the citation. Publication shall be made once a
32 week for four consecutive weeks.

33 (3) If the court determines that there has been due diligence in
34 attempting to identify one or both of the parents, or alleged parents,
35 of the child and the probation officer or social worker recommends
36 legal guardianship, placement with a fit and willing relative, or
37 another planned permanent living arrangement, as appropriate, no
38 further notice to the parent shall be required.

39 (h) Notice to the child and all counsel of record shall be by
40 first-class mail.

1 (i) If the court knows or has reason to know that an Indian child
2 is involved, notice shall be given in accordance with Section 224.2.

3 (j) Notwithstanding subdivision (a), if the attorney of record is
4 present at the time the court schedules a hearing pursuant to Section
5 366.26, no further notice is required, except as required by
6 subparagraph (A) of paragraph (7) of subdivision (f).

7 (k) This section shall also apply to children adjudged wards
8 pursuant to Section 727.31.

9 (l) The court shall state the reasons on the record explaining
10 why good cause exists for granting any continuance of a hearing
11 held pursuant to Section 366.26 to fulfill the requirements of this
12 section.

13 (m) This section shall become operative on January 1, 2019.

14 SEC. 66. Section 295 of the Welfare and Institutions Code, as
15 amended by Section 13 of Chapter 219 of the Statutes of 2015, is
16 amended to read:

17 295. The social worker or probation officer shall give notice
18 of review hearings held pursuant to Sections 366.3 and 366.31 and
19 for termination of jurisdiction hearings held pursuant to Section
20 391 in the following manner:

21 (a) Notice of the hearing shall be given to the following persons:

22 (1) The mother.

23 (2) The presumed father.

24 (3) The legal guardian or guardians.

25 (4) The child, if the child is 10 years of age or older, or a
26 nonminor dependent.

27 (5) Any known sibling of the child or nonminor dependent who
28 is the subject of the hearing if that sibling either is the subject of
29 a dependency proceeding or has been adjudged to be a dependent
30 child of the juvenile court. If the sibling is 10 years of age or older,
31 the sibling, the sibling's caregiver, and the sibling's attorney. If
32 the sibling is under 10 years of age, the sibling's caregiver and the
33 sibling's attorney. However, notice is not required to be given to
34 any sibling whose matter is calendared in the same court on the
35 same day.

36 (6) The current caregiver of the child, including the foster
37 parents, relative caregivers, preadoptive parents, nonrelative
38 extended family members, resource family, community care
39 facility, or foster family agency having physical custody of the
40 child if a child is removed from the physical custody of the parents

1 or legal guardian. The person notified may attend all hearings and
2 may submit any information he or she deems relevant to the court
3 in writing.

4 (7) The current caregiver of a nonminor dependent, as described
5 in subdivision (v) of Section 11400. The person notified may attend
6 all hearings and may submit for filing an original and eight copies
7 of written information he or she deems relevant to the court. The
8 court clerk shall provide the current parties and attorneys of record
9 with a copy of the written information immediately upon receipt
10 and complete, file, and distribute a proof of service.

11 (8) The attorney of record if that attorney of record was not
12 present at the time that the hearing was set by the court.

13 (9) The alleged father or fathers, but only if the recommendation
14 is to set a new hearing pursuant to Section 366.26.

15 (b) No notice shall be required for a parent whose parental rights
16 have been terminated or for the parent of a nonminor dependent,
17 as described in subdivision (v) of Section 11400, unless the parent
18 is receiving court-ordered family reunification services pursuant
19 to Section 361.6.

20 (c) The notice of the review hearing shall be served no earlier
21 than 30 days, nor later than 15 days, before the hearing.

22 (d) The notice of the review hearing shall contain a statement
23 regarding the nature of the hearing to be held, any recommended
24 change in the custody or status of the child, and any
25 recommendation that the court set a new hearing pursuant to
26 Section 366.26 in order to select a more permanent plan.

27 (e) Service of notice shall be by first-class mail addressed to
28 the last known address of the person to be provided notice. Except
29 as provided in subdivisions (g), (h), and (i), notice may be served
30 by electronic mail in lieu of notice by first-class mail if the county,
31 or city and county, and the court choose to permit service by
32 electronic mail and the person to be served has consented to service
33 by electronic mail by signing Judicial Council Form EFS-005. In
34 the case of an Indian child, notice shall be by registered mail, return
35 receipt requested.

36 (f) If the child is ordered into a permanent plan of legal
37 guardianship, and subsequently a petition to terminate or modify
38 the guardianship is filed, the probation officer or social worker
39 shall serve notice of the petition not less than 15 court days prior

1 to the hearing on all persons listed in subdivision (a) and on the
2 court that established legal guardianship if it is in another county.

3 (g) If the social worker or probation officer knows or has reason
4 to know that an Indian child is involved, notice shall be given in
5 accordance with Section 224.2.

6 (h) Except as provided in subdivision (i), if notice is required
7 to be provided to a child pursuant to paragraph (4) or (5) of
8 subdivision (a), written notice may be served on the child by
9 electronic mail only if all of the following requirements are
10 satisfied:

11 (1) The county, or city and county, and the court choose to
12 permit service by electronic mail.

13 (2) The child is 16 years of age or older.

14 (3) The child has consented to service by electronic mail by
15 signing Judicial Council Form EFS-005.

16 (4) The attorney for the child has consented to service of the
17 minor by electronic mail by signing Judicial Council Form
18 EFS-005.

19 (i) If notice is required to be provided to a child pursuant to
20 paragraph (4) or (5) of subdivision (a), written notice may be served
21 on the child by electronic mail as well as by regular mail if all of
22 the following requirements are satisfied:

23 (1) The county, or city and county, and the court choose to
24 permit service by electronic mail.

25 (2) The child is 14 or 15 years of age.

26 (3) The child has consented to service by electronic mail by
27 signing Judicial Council Form EFS-005.

28 (4) The attorney for the child has consented to service of the
29 minor by electronic mail by signing Judicial Council Form
30 EFS-005.

31 (j) This section shall remain in effect only until January 1, 2019,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2019, deletes or extends that date.

34 SEC. 67. Section 295 of the Welfare and Institutions Code, as
35 added by Section 14 of Chapter 219 of the Statutes of 2015, is
36 amended to read:

37 295. The social worker or probation officer shall give notice
38 of review hearings held pursuant to Sections 366.3 and 366.31 and
39 for termination of jurisdiction hearings held pursuant to Section
40 391 in the following manner:

1 (a) Notice of the hearing shall be given to the following persons:

2 (1) The mother.

3 (2) The presumed father.

4 (3) The legal guardian or guardians.

5 (4) The child, if the child is 10 years of age or older, or a
6 nonminor dependent.

7 (5) Any known sibling of the child or nonminor dependent who
8 is the subject of the hearing if that sibling either is the subject of
9 a dependency proceeding or has been adjudged to be a dependent
10 child of the juvenile court. If the sibling is 10 years of age or older,
11 the sibling, the sibling's caregiver, and the sibling's attorney. If
12 the sibling is under 10 years of age, the sibling's caregiver and the
13 sibling's attorney. However, notice is not required to be given to
14 any sibling whose matter is calendared in the same court on the
15 same day.

16 (6) The current caregiver of the child, including the foster
17 parents, relative caregivers, preadoptive parents, nonrelative
18 extended family members, resource family, community care
19 facility, or foster family agency having physical custody of the
20 child if a child is removed from the physical custody of the parents
21 or legal guardian. The person notified may attend all hearings and
22 may submit any information he or she deems relevant to the court
23 in writing.

24 (7) The current caregiver of a nonminor dependent, as described
25 in subdivision (v) of Section 11400. The person notified may attend
26 all hearings and may submit for filing an original and eight copies
27 of written information he or she deems relevant to the court. The
28 court clerk shall provide the current parties and attorneys of record
29 with a copy of the written information immediately upon receipt
30 and complete, file, and distribute a proof of service.

31 (8) The attorney of record if that attorney of record was not
32 present at the time that the hearing was set by the court.

33 (9) The alleged father or fathers, but only if the recommendation
34 is to set a new hearing pursuant to Section 366.26.

35 (b) No notice shall be required for a parent whose parental rights
36 have been terminated or for the parent of a nonminor dependent,
37 as described in subdivision (v) of Section 11400, unless the parent
38 is receiving court-ordered family reunification services pursuant
39 to Section 361.6.

1 (c) The notice of the review hearing shall be served no earlier
2 than 30 days, nor later than 15 days, before the hearing.

3 (d) The notice of the review hearing shall contain a statement
4 regarding the nature of the hearing to be held, any recommended
5 change in the custody or status of the child, and any
6 recommendation that the court set a new hearing pursuant to
7 Section 366.26 in order to select a more permanent plan.

8 (e) Service of notice shall be by first-class mail addressed to
9 the last known address of the person to be provided notice. In the
10 case of an Indian child, notice shall be by registered mail, return
11 receipt requested.

12 (f) If the child is ordered into a permanent plan of legal
13 guardianship, and subsequently a petition to terminate or modify
14 the guardianship is filed, the probation officer or social worker
15 shall serve notice of the petition not less than 15 court days prior
16 to the hearing on all persons listed in subdivision (a) and on the
17 court that established legal guardianship if it is in another county.

18 (g) If the social worker or probation officer knows or has reason
19 to know that an Indian child is involved, notice shall be given in
20 accordance with Section 224.2.

21 (h) This section shall become operative on January 1, 2019.

22 SEC. 68. Section 309 of the Welfare and Institutions Code is
23 amended to read:

24 309. (a) Upon delivery to the social worker of a child who has
25 been taken into temporary custody under this article, the social
26 worker shall immediately investigate the circumstances of the child
27 and the facts surrounding the child's being taken into custody and
28 attempt to maintain the child with the child's family through the
29 provision of services. The social worker shall immediately release
30 the child to the custody of the child's parent, guardian, or
31 responsible relative, regardless of the parent's, guardian's, or
32 relative's immigration status, unless one or more of the following
33 conditions exist:

34 (1) The child has no parent, guardian, or responsible relative;
35 or the child's parent, guardian, or responsible relative is not willing
36 to provide care for the child.

37 (2) Continued detention of the child is a matter of immediate
38 and urgent necessity for the protection of the child and there are
39 no reasonable means by which the child can be protected in his or
40 her home or the home of a responsible relative.

1 (3) There is substantial evidence that a parent, guardian, or
2 custodian of the child is likely to flee the jurisdiction of the court.

3 (4) The child has left a placement in which he or she was placed
4 by the juvenile court.

5 (5) The parent or other person having lawful custody of the
6 child voluntarily surrendered physical custody of the child pursuant
7 to Section 1255.7 of the Health and Safety Code and did not
8 reclaim the child within the 14-day period specified in subdivision
9 (e) of that section.

10 (b) In any case in which there is reasonable cause for believing
11 that a child who is under the care of a physician and surgeon or a
12 hospital, clinic, or other medical facility and cannot be immediately
13 moved and is a person described in Section 300, the child shall be
14 deemed to have been taken into temporary custody and delivered
15 to the social worker for the purposes of this chapter while the child
16 is at the office of the physician and surgeon or the medical facility.

17 (c) If the child is not released to his or her parent or guardian,
18 the child shall be deemed detained for purposes of this chapter.

19 (d) (1) If an able and willing relative, as defined in Section 319,
20 or an able and willing nonrelative extended family member, as
21 defined in Section 362.7, is available and requests temporary
22 placement of the child pending the detention hearing, or after the
23 detention hearing and pending the dispositional hearing conducted
24 pursuant to Section 358, the county welfare department shall
25 initiate an assessment of the relative's or nonrelative extended
26 family member's suitability, which shall include an in-home
27 inspection to assess the safety of the home and the ability of the
28 relative or nonrelative extended family member to care for the
29 child's needs, and a consideration of the results of a criminal
30 records check conducted pursuant to subdivision (a) of Section
31 16504.5 and a check of allegations of prior child abuse or neglect
32 concerning the relative or nonrelative extended family member
33 and other adults in the home. A relative's identification card from
34 a foreign consulate or foreign passport shall be considered a valid
35 form of identification for conducting a criminal records check and
36 fingerprint clearance check under this subdivision. Upon
37 completion of this assessment, the child may be placed on an
38 emergency basis in the assessed home.

39 (2) Following the emergency placement of a child in the home
40 of a relative or a nonrelative extended family member, the county

1 welfare department shall evaluate and approve or deny the home
2 pursuant to Section 16519.5.

3 (3) If the criminal records check indicates that the person has
4 been convicted of a crime for which the Director of Social Services
5 cannot grant an exemption under Section 1522 of the Health and
6 Safety Code, the child shall not be placed in the home. If the
7 criminal records check indicates that the person has been convicted
8 of a crime for which the Director of Social Services may grant an
9 exemption under Section 1522 of the Health and Safety Code, the
10 child shall not be placed in the home unless a criminal records
11 exemption has been granted by the county based on substantial
12 and convincing evidence to support a reasonable belief that the
13 person with the criminal conviction is of such good character as
14 to justify the placement and not present a risk of harm to the child.

15 (e) (1) If the child is removed, the social worker shall conduct,
16 within 30 days, an investigation in order to identify and locate all
17 grandparents, parents of a sibling of the child, if the parent has
18 legal custody of the sibling, adult siblings, and other adult relatives
19 of the child, as defined in paragraph (2) of subdivision (f) of
20 Section 319, including any other adult relatives suggested by the
21 parents. As used in this section, “sibling” means a person related
22 to the identified child by blood, adoption, or affinity through a
23 common legal or biological parent. The social worker shall provide
24 to all adult relatives who are located, except when that relative’s
25 history of family or domestic violence makes notification
26 inappropriate, within 30 days of removal of the child, written
27 notification and shall also, whenever appropriate, provide oral
28 notification, in person or by telephone, of all the following
29 information:

30 (A) The child has been removed from the custody of his or her
31 parent or parents, or his or her guardians.

32 (B) An explanation of the various options to participate in the
33 care and placement of the child and support for the child’s family,
34 including any options that may be lost by failing to respond. The
35 notice shall provide information about providing care for the child
36 while the family receives reunification services with the goal of
37 returning the child to the parent or guardian, how to become a
38 resource family, and additional services and support that are
39 available in out-of-home placements. The notice shall also include
40 information regarding the Kin-GAP Program (Article 4.5

(commencing with Section 11360) of Chapter 2 of Part 3 of Division 9), the CalWORKs program for approved relative caregivers (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9), adoption, and adoption assistance (Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9), as well as other options for contact with the child, including, but not limited to, visitation. The State Department of Social Services, in consultation with the County Welfare Directors Association of California and other interested stakeholders, shall develop the written notice.

(2) The social worker shall also provide the adult relatives notified pursuant to paragraph (1) with a relative information form to provide information to the social worker and the court regarding the needs of the child. The form shall include a provision whereby the relative may request the permission of the court to address the court, if the relative so chooses. The Judicial Council, in consultation with the State Department of Social Services and the County Welfare Directors Association of California, shall develop the form.

(3) The social worker shall use due diligence in investigating the names and locations of the relatives pursuant to paragraph (1), including, but not limited to, asking the child in an age-appropriate manner about relatives important to the child, consistent with the child's best interest, and obtaining information regarding the location of the child's adult relatives. Each county welfare department shall create and make public a procedure by which relatives of a child who has been removed from his or her parents or guardians may identify themselves to the county welfare department and be provided with the notices required by paragraphs (1) and (2).

SEC. 69. Section 319.3 of the Welfare and Institutions Code is amended to read:

319.3. Notwithstanding Section 319, a dependent child who is 6 to 12 years of age, inclusive, may be placed in a community care facility licensed as a group home for children, a short-term residential therapeutic program, or in a temporary shelter care facility, as defined in Section 1530.8 of the Health and Safety Code, only when the court finds that placement is necessary to secure a complete and adequate evaluation, including placement planning and transition time. The placement period shall not exceed

1 60 days unless a case plan has been developed and the need for
2 additional time is documented in the case plan and has been
3 approved by a deputy director or director of the county child
4 welfare department or an assistant chief probation officer or chief
5 probation officer of the county probation department.

6 SEC. 70. Section 361.2 of the Welfare and Institutions Code,
7 as added by Section 48 of Chapter 773 of the Statutes of 2015, is
8 amended to read:

9 361.2. (a) When a court orders removal of a child pursuant to
10 Section 361, the court shall first determine whether there is a parent
11 of the child, with whom the child was not residing at the time that
12 the events or conditions arose that brought the child within the
13 provisions of Section 300, who desires to assume custody of the
14 child. If that parent requests custody, the court shall place the child
15 with the parent unless it finds that placement with that parent would
16 be detrimental to the safety, protection, or physical or emotional
17 well-being of the child. The fact that the parent is enrolled in a
18 certified substance abuse treatment facility that allows a dependent
19 child to reside with his or her parent shall not be, for that reason
20 alone, prima facie evidence that placement with that parent would
21 be detrimental.

22 (b) If the court places the child with that parent it may do any
23 of the following:

24 (1) Order that the parent become legal and physical custodian
25 of the child. The court may also provide reasonable visitation by
26 the noncustodial parent. The court shall then terminate its
27 jurisdiction over the child. The custody order shall continue unless
28 modified by a subsequent order of the superior court. The order
29 of the juvenile court shall be filed in any domestic relation
30 proceeding between the parents.

31 (2) Order that the parent assume custody subject to the
32 jurisdiction of the juvenile court and require that a home visit be
33 conducted within three months. In determining whether to take
34 the action described in this paragraph, the court shall consider any
35 concerns that have been raised by the child's current caregiver
36 regarding the parent. After the social worker conducts the home
37 visit and files his or her report with the court, the court may then
38 take the action described in paragraph (1), (3), or this paragraph.
39 However, nothing in this paragraph shall be interpreted to imply
40 that the court is required to take the action described in this

1 paragraph as a prerequisite to the court taking the action described
2 in either paragraph (1) or (3).

3 (3) Order that the parent assume custody subject to the
4 supervision of the juvenile court. In that case the court may order
5 that reunification services be provided to the parent or guardian
6 from whom the child is being removed, or the court may order that
7 services be provided solely to the parent who is assuming physical
8 custody in order to allow that parent to retain later custody without
9 court supervision, or that services be provided to both parents, in
10 which case the court shall determine, at review hearings held
11 pursuant to Section 366, which parent, if either, shall have custody
12 of the child.

13 (c) The court shall make a finding either in writing or on the
14 record of the basis for its determination under subdivisions (a) and
15 (b).

16 (d) Part 6 (commencing with Section 7950) of Division 12 of
17 the Family Code shall apply to the placement of a child pursuant
18 to paragraphs (1) and (2) of subdivision (e).

19 (e) When the court orders removal pursuant to Section 361, the
20 court shall order the care, custody, control, and conduct of the
21 child to be under the supervision of the social worker who may
22 place the child in any of the following:

23 (1) The home of a noncustodial parent as described in
24 subdivision (a), regardless of the parent's immigration status.

25 (2) The approved home of a relative, regardless of the relative's
26 immigration status.

27 (3) The approved home of a nonrelative extended family
28 member as defined in Section 362.7.

29 (4) The approved home of a resource family as defined in
30 Section 16519.5.

31 (5) A foster home considering first a foster home in which the
32 child has been placed before an interruption in foster care, if that
33 placement is in the best interest of the child and space is available.

34 (6) A home or facility in accordance with the federal Indian
35 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

36 (7) A suitable licensed community care facility, except a
37 runaway and homeless youth shelter licensed by the State
38 Department of Social Services pursuant to Section 1502.35 of the
39 Health and Safety Code.

1 (8) With a foster family agency, as defined in subdivision (g)
2 of Section 11400 and paragraph (4) of subdivision (a) of Section
3 1502 of the Health and Safety Code, to be placed in a suitable
4 family home certified or approved by the agency, with prior
5 approval of the county placing agency.

6 (9) A child of any age who is placed in a community care facility
7 licensed as a group home for children or a short-term residential
8 therapeutic program, as defined in subdivision (ad) of Section
9 11400 and paragraph (18) of subdivision (a) of Section 1502 of
10 the Health and Safety Code, shall have a case plan that indicates
11 that placement is for purposes of providing short term, specialized,
12 and intensive treatment for the child, the case plan specifies the
13 need for, nature of, and anticipated duration of this treatment,
14 pursuant to paragraph (2) of subdivision (c) of Section 16501.1,
15 and the case plan includes transitioning the child to a less restrictive
16 environment and the projected timeline by which the child will be
17 transitioned to a less restrictive environment. If the placement is
18 longer than six months, the placement shall be documented
19 consistent with paragraph (3) of subdivision (a) of Section 16501.1
20 and shall be approved by the deputy director or director of the
21 county child welfare department.

22 (A) A child under six years of age shall not be placed in a
23 community care facility licensed as a group home for children, or
24 a short-term residential therapeutic program, except under the
25 following circumstances:

26 (i) When the facility meets the applicable regulations adopted
27 under Section 1530.8 of the Health and Safety Code and standards
28 developed pursuant to Section 11467.1 of this code, and the deputy
29 director or director of the county child welfare department has
30 approved the case plan.

31 (ii) The short term, specialized, and intensive treatment period
32 shall not exceed 120 days, unless the county has made progress
33 toward or is actively working toward implementing the case plan
34 that identifies the services or supports necessary to transition the
35 child to a family setting, circumstances beyond the county's control
36 have prevented the county from obtaining those services or
37 supports within the timeline documented in the case plan, and the
38 need for additional time pursuant to the case plan is documented
39 by the caseworker and approved by a deputy director or director
40 of the county child welfare department.

(iii) To the extent that placements pursuant to this paragraph are extended beyond an initial 120 days, the requirements of clauses (i) and (ii) shall apply to each extension. In addition, the deputy director or director of the county child welfare department shall approve the continued placement no less frequently than every 60 days.

(iv) In addition, when a case plan indicates that placement is for purposes of providing family reunification services, the facility shall offer family reunification services that meet the needs of the individual child and his or her family, permit parents to have reasonable access to their children 24 hours a day, encourage extensive parental involvement in meeting the daily needs of their children, and employ staff trained to provide family reunification services. In addition, one of the following conditions exists:

(I) The child's parent is also under the jurisdiction of the court and resides in the facility.

(II) The child's parent is participating in a treatment program affiliated with the facility and the child's placement in the facility facilitates the coordination and provision of reunification services.

(III) Placement in the facility is the only alternative that permits the parent to have daily 24-hour access to the child in accordance with the case plan, to participate fully in meeting all of the daily needs of the child, including feeding and personal hygiene, and to have access to necessary reunification services.

(B) A child who is 6 to 12 years of age, inclusive, may be placed in a community care facility licensed as a group home for children or a short-term residential therapeutic program under the following conditions.

(i) The short-term, specialized, and intensive treatment period shall not exceed six months, unless the county has made progress or is actively working toward implementing the case plan that identifies the services or supports necessary to transition the child to a family setting, circumstances beyond the county's control have prevented the county from obtaining those services or supports within the timeline documented in the case plan, and the need for additional time pursuant to the case plan is documented by the caseworker and approved by a deputy director or director of the county child welfare department.

(ii) To the extent that placements pursuant to this paragraph are extended beyond an initial six months, the requirements of this

1 subparagraph shall apply to each extension. In addition, the deputy
2 director or director of the county child welfare department shall
3 approve the continued placement no less frequently than every 60
4 days.

5 (10) Any child placed in a short-term residential therapeutic
6 program shall be either of the following:

7 (A) A child who has been assessed as meeting one of the
8 placement requirements set forth in subdivisions (b) and (e) of
9 Section 11462.01.

10 (B) A child under 6 years of age who is placed with his or her
11 minor parent or for the purpose of reunification pursuant to clause
12 (iv) of subparagraph (A) of paragraph (9).

13 (11) Nothing in this subdivision shall be construed to allow a
14 social worker to place any dependent child outside the United
15 States, except as specified in subdivision (f).

16 (f) (1) A child under the supervision of a social worker pursuant
17 to subdivision (e) shall not be placed outside the United States
18 prior to a judicial finding that the placement is in the best interest
19 of the child, except as required by federal law or treaty.

20 (2) The party or agency requesting placement of the child outside
21 the United States shall carry the burden of proof and shall show,
22 by clear and convincing evidence, that placement outside the
23 United States is in the best interest of the child.

24 (3) In determining the best interest of the child, the court shall
25 consider, but not be limited to, the following factors:

26 (A) Placement with a relative.

27 (B) Placement of siblings in the same home.

28 (C) Amount and nature of any contact between the child and
29 the potential guardian or caretaker.

30 (D) Physical and medical needs of the dependent child.

31 (E) Psychological and emotional needs of the dependent child.

32 (F) Social, cultural, and educational needs of the dependent
33 child.

34 (G) Specific desires of any dependent child who is 12 years of
35 age or older.

36 (4) If the court finds that a placement outside the United States
37 is, by clear and convincing evidence, in the best interest of the
38 child, the court may issue an order authorizing the social worker
39 to make a placement outside the United States. A child subject to

1 this subdivision shall not leave the United States prior to the
2 issuance of the order described in this paragraph.

3 (5) For purposes of this subdivision, “outside the United States”
4 shall not include the lands of any federally recognized American
5 Indian tribe or Alaskan Natives.

6 (6) This subdivision shall not apply to the placement of a
7 dependent child with a parent pursuant to subdivision (a).

8 (g) (1) If the child is taken from the physical custody of the
9 child’s parent or guardian and unless the child is placed with
10 relatives, the child shall be placed in foster care in the county of
11 residence of the child’s parent or guardian in order to facilitate
12 reunification of the family.

13 (2) In the event that there are no appropriate placements
14 available in the parent’s or guardian’s county of residence, a
15 placement may be made in an appropriate place in another county,
16 preferably a county located adjacent to the parent’s or guardian’s
17 community of residence.

18 (3) Nothing in this section shall be interpreted as requiring
19 multiple disruptions of the child’s placement corresponding to
20 frequent changes of residence by the parent or guardian. In
21 determining whether the child should be moved, the social worker
22 shall take into consideration the potential harmful effects of
23 disrupting the placement of the child and the parent’s or guardian’s
24 reason for the move.

25 (4) When it has been determined that it is necessary for a child
26 to be placed in a county other than the child’s parent’s or guardian’s
27 county of residence, the specific reason the out-of-county
28 placement is necessary shall be documented in the child’s case
29 plan. If the reason the out-of-county placement is necessary is the
30 lack of resources in the sending county to meet the specific needs
31 of the child, those specific resource needs shall be documented in
32 the case plan.

33 (5) When it has been determined that a child is to be placed out
34 of county either in a group home or with a foster family agency
35 for subsequent placement in a certified foster family home, and
36 the sending county is to maintain responsibility for supervision
37 and visitation of the child, the sending county shall develop a plan
38 of supervision and visitation that specifies the supervision and
39 visitation activities to be performed and specifies that the sending
40 county is responsible for performing those activities. In addition

1 to the plan of supervision and visitation, the sending county shall
2 document information regarding any known or suspected dangerous
3 behavior of the child that indicates the child may pose a safety
4 concern in the receiving county. Upon implementation of the Child
5 Welfare Services Case Management System, the plan of
6 supervision and visitation, as well as information regarding any
7 known or suspected dangerous behavior of the child, shall be made
8 available to the receiving county upon placement of the child in
9 the receiving county. If placement occurs on a weekend or holiday,
10 the information shall be made available to the receiving county on
11 or before the end of the next business day.

12 (6) When it has been determined that a child is to be placed out
13 of county and the sending county plans that the receiving county
14 shall be responsible for the supervision and visitation of the child,
15 the sending county shall develop a formal agreement between the
16 sending and receiving counties. The formal agreement shall specify
17 the supervision and visitation to be provided the child, and shall
18 specify that the receiving county is responsible for providing the
19 supervision and visitation. The formal agreement shall be approved
20 and signed by the sending and receiving counties prior to placement
21 of the child in the receiving county. In addition, upon completion
22 of the case plan, the sending county shall provide a copy of the
23 completed case plan to the receiving county. The case plan shall
24 include information regarding any known or suspected dangerous
25 behavior of the child that indicates the child may pose a safety
26 concern to the receiving county.

27 (h) Whenever the social worker must change the placement of
28 the child and is unable to find a suitable placement within the
29 county and must place the child outside the county, the placement
30 shall not be made until he or she has served written notice on the
31 parent or guardian at least 14 days prior to the placement, unless
32 the child's health or well-being is endangered by delaying the
33 action or would be endangered if prior notice were given. The
34 notice shall state the reasons that require placement outside the
35 county. The parent or guardian may object to the placement not
36 later than seven days after receipt of the notice and, upon objection,
37 the court shall hold a hearing not later than five days after the
38 objection and prior to the placement. The court shall order
39 out-of-county placement if it finds that the child's particular needs
40 require placement outside the county.

(i) If the court has ordered removal of the child from the physical custody of his or her parents pursuant to Section 361, the court shall consider whether the family ties and best interest of the child will be served by granting visitation rights to the child's grandparents. The court shall clearly specify those rights to the social worker.

(j) If the court has ordered removal of the child from the physical custody of his or her parents pursuant to Section 361, the court shall consider whether there are any siblings under the court's jurisdiction, or any nondependent siblings in the physical custody of a parent subject to the court's jurisdiction, the nature of the relationship between the child and his or her siblings, the appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

(k) (1) An agency shall ensure placement of a child in a home that, to the fullest extent possible, best meets the day-to-day needs of the child. A home that best meets the day-to-day needs of the child shall satisfy all of the following criteria:

(A) The child's caregiver is able to meet the day-to-day health, safety, and well-being needs of the child.

(B) The child's caregiver is permitted to maintain the least restrictive family setting that promotes normal childhood experiences and that serves the day-to-day needs of the child.

(C) The child is permitted to engage in reasonable, age-appropriate day-to-day activities that promote normal childhood experiences for the foster child.

(2) The foster child's caregiver shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, to determine day-to-day activities that are age appropriate to meet the needs of the child. Nothing in this section shall be construed to permit a child's caregiver to permit the child to engage in day-to-day activities that carry an unreasonable risk of harm, or subject the child to abuse or neglect.

(l) This section shall become operative on January 1, 2017.

SEC. 70.5. Section 361.2 of the Welfare and Institutions Code, as added by Section 48 of Chapter 773 of the Statutes of 2015, is amended to read:

1 361.2. (a) When a court orders removal of a child pursuant to
2 Section 361, the court shall first determine whether there is a parent
3 of the child, with whom the child was not residing at the time that
4 the events or conditions arose that brought the child within the
5 provisions of Section 300, who desires to assume custody of the
6 child. If that parent requests custody, the court shall place the child
7 with the parent unless it finds that placement with that parent would
8 be detrimental to the safety, protection, or physical or emotional
9 well-being of the child. The fact that the parent is enrolled in a
10 certified substance abuse treatment facility that allows a dependent
11 child to reside with his or her parent shall not be, for that reason
12 alone, prima facie evidence that placement with that parent would
13 be detrimental.

14 (b) If the court places the child with that parent it may do any
15 of the following:

16 (1) Order that the parent become legal and physical custodian
17 of the child. The court may also provide reasonable visitation by
18 the noncustodial parent. The court shall then terminate its
19 jurisdiction over the child. The custody order shall continue unless
20 modified by a subsequent order of the superior court. The order
21 of the juvenile court shall be filed in any domestic relation
22 proceeding between the parents.

23 (2) Order that the parent assume custody subject to the
24 jurisdiction of the juvenile court and require that a home visit be
25 conducted within three months. In determining whether to take
26 the action described in this paragraph, the court shall consider any
27 concerns that have been raised by the child's current caregiver
28 regarding the parent. After the social worker conducts the home
29 visit and files his or her report with the court, the court may then
30 take the action described in paragraph (1), (3), or this paragraph.
31 However, nothing in this paragraph shall be interpreted to imply
32 that the court is required to take the action described in this
33 paragraph as a prerequisite to the court taking the action described
34 in either paragraph (1) or (3).

35 (3) Order that the parent assume custody subject to the
36 supervision of the juvenile court. In that case the court may order
37 that reunification services be provided to the parent or guardian
38 from whom the child is being removed, or the court may order that
39 services be provided solely to the parent who is assuming physical
40 custody in order to allow that parent to retain later custody without

1 court supervision, or that services be provided to both parents, in
2 which case the court shall determine, at review hearings held
3 pursuant to Section 366, which parent, if either, shall have custody
4 of the child.

5 (c) The court shall make a finding either in writing or on the
6 record of the basis for its determination under subdivisions (a) and
7 (b).

8 (d) Part 6 (commencing with Section 7950) of Division 12 of
9 the Family Code shall apply to the placement of a child pursuant
10 to paragraphs (1) and (2) of subdivision (e).

11 (e) When the court orders removal pursuant to Section 361, the
12 court shall order the care, custody, control, and conduct of the
13 child to be under the supervision of the social worker who may
14 place the child in any of the following:

15 (1) The home of a noncustodial parent as described in
16 subdivision (a), regardless of the parent's immigration status.

17 (2) The approved home of a relative, regardless of the relative's
18 immigration status.

19 (3) The approved home of a nonrelative extended family
20 member as defined in Section 362.7.

21 (4) The approved home of a resource family as defined in
22 Section 16519.5.

23 (5) A foster home considering first a foster home in which the
24 child has been placed before an interruption in foster care, if that
25 placement is in the best interest of the child and space is available.

26 (6) A home or facility in accordance with the federal Indian
27 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

28 (7) A suitable licensed community care facility, except a
29 runaway and homeless youth shelter licensed by the State
30 Department of Social Services pursuant to Section 1502.35 of the
31 Health and Safety Code.

32 (8) With a foster family agency, as defined in subdivision (g)
33 of Section 11400 and paragraph (4) of subdivision (a) of Section
34 1502 of the Health and Safety Code, to be placed in a suitable
35 family home certified or approved by the *agency, with prior*
36 *approval of the county placing agency.*

37 (9) A child of any age who is placed in a community care facility
38 licensed as a group home for children or a short-term residential
39 ~~treatment center~~, *therapeutic program* as defined in subdivision
40 (ad) of Section 11400 and paragraph (18) of subdivision (a) of

1 Section 1502 of the Health and Safety Code, shall have a case plan
2 that indicates that placement is for purposes of providing short
3 term, specialized, and intensive treatment for the child, the case
4 plan specifies the need for, nature of, and anticipated duration of
5 this treatment, pursuant to paragraph (2) of subdivision (c) of
6 Section 16501.1, and the case plan includes transitioning the child
7 to a less restrictive environment and the projected timeline by
8 which the child will be transitioned to a less restrictive
9 environment. If the placement is longer than six months, the
10 placement shall be documented consistent with paragraph (3) of
11 subdivision (a) of Section 16501.1 and shall be approved by the
12 deputy director or director of the county child welfare department.

13 (A) A child under six years of age shall not be placed in a
14 community care facility licensed as a group home for children, or
15 a short-term residential ~~treatment center~~, *therapeutic program*
16 except under the following circumstances:

17 (i) When the facility meets the applicable regulations adopted
18 under Section 1530.8 of the Health and Safety Code and standards
19 developed pursuant to Section 11467.1 of this code, and the deputy
20 director or director of the county child welfare department has
21 approved the case plan.

22 (ii) The short term, specialized, and intensive treatment period
23 shall not exceed 120 days, unless the county has made progress
24 toward or is actively working toward implementing the case plan
25 that identifies the services or supports necessary to transition the
26 child to a family setting, circumstances beyond the county's control
27 have prevented the county from obtaining those services or
28 supports within the timeline documented in the case plan, and the
29 need for additional time pursuant to the case plan is documented
30 by the caseworker and approved by a deputy director or director
31 of the county child welfare department.

32 (iii) To the extent that placements pursuant to this paragraph
33 are extended beyond an initial 120 days, the requirements of
34 clauses (i) and (ii) shall apply to each extension. In addition, the
35 deputy director or director of the county child welfare department
36 shall approve the continued placement no less frequently than
37 every 60 days.

38 (iv) In addition, when a case plan indicates that placement is
39 for purposes of providing family reunification ~~services~~. ~~The~~
40 *services*, *the* facility shall offer family reunification services that

1 meet the needs of the individual child and his or her family, permit
2 parents to have reasonable access to their children 24 hours a day,
3 encourage extensive parental involvement in meeting the daily
4 needs of their children, and employ staff trained to provide family
5 reunification services. In addition, one of the following conditions
6 exists:

7 (I) The child's parent is also under the jurisdiction of the court
8 and resides in the facility.

9 (II) The child's parent is participating in a treatment program
10 affiliated with the facility and the child's placement in the facility
11 facilitates the coordination and provision of reunification services.

12 (III) Placement in the facility is the only alternative that permits
13 the parent to have daily 24-hour access to the child in accordance
14 with the case plan, to participate fully in meeting all of the daily
15 needs of the child, including feeding and personal hygiene, and to
16 have access to necessary reunification services.

17 (B) A child who is 6 to 12 years of age, inclusive, may be placed
18 in a community care facility licensed as a group home for children
19 or a short-term residential ~~treatment center~~ *therapeutic program*
20 under the following conditions.

21 (i) The short-term, specialized, and intensive treatment period
22 shall not exceed six months, unless the county has made progress
23 or is actively working toward implementing the case plan that
24 identifies the services or supports necessary to transition the child
25 to a family setting, circumstances beyond the county's control
26 have prevented the county from obtaining those services or
27 supports within the timeline documented in the case plan, and the
28 need for additional time pursuant to the case plan is documented
29 by the caseworker and approved by a deputy director or director
30 of the county child welfare department.

31 (ii) To the extent that placements pursuant to this paragraph are
32 extended beyond an initial six months, the requirements of this
33 subparagraph shall apply to each extension. In addition, the deputy
34 director or director of the county child welfare department shall
35 approve the continued placement no less frequently than every 60
36 days.

37 (10) Any child placed in a short-term residential ~~treatment center~~
38 *therapeutic program* shall be either of the following:

1 (A) A child who has been assessed as meeting one of the
2 placement requirements set forth in subdivisions ~~(d)~~ (b) and (e) of
3 Section 11462.01.

4 (B) A child under 6 years of age who is placed with his or her
5 minor parent or for the purpose of reunification pursuant to clause
6 (iv) of subparagraph (A) of paragraph (9).

7 (11) Nothing in this subdivision shall be construed to allow a
8 social worker to place any dependent child outside the United
9 States, except as specified in subdivision (f).

10 (f) (1) A child under the supervision of a social worker pursuant
11 to subdivision (e) shall not be placed outside the United States
12 prior to a judicial finding that the placement is in the best interest
13 of the child, except as required by federal law or treaty.

14 (2) The party or agency requesting placement of the child outside
15 the United States shall carry the burden of proof and shall show,
16 by clear and convincing evidence, that placement outside the
17 United States is in the best interest of the child.

18 (3) In determining the best interest of the child, the court shall
19 consider, but not be limited to, the following factors:

20 (A) Placement with a relative.

21 (B) Placement of siblings in the same home.

22 (C) Amount and nature of any contact between the child and
23 the potential guardian or caretaker.

24 (D) Physical and medical needs of the dependent child.

25 (E) Psychological and emotional needs of the dependent child.

26 (F) Social, cultural, and educational needs of the dependent
27 child.

28 (G) Specific desires of any dependent child who is 12 years of
29 age or older.

30 (4) If the court finds that a placement outside the United States
31 is, by clear and convincing evidence, in the best interest of the
32 child, the court may issue an order authorizing the social worker
33 to make a placement outside the United States. A child subject to
34 this subdivision shall not leave the United States prior to the
35 issuance of the order described in this paragraph.

36 (5) For purposes of this subdivision, "outside the United States"
37 shall not include the lands of any federally recognized American
38 Indian tribe or Alaskan Natives.

39 (6) This subdivision shall not apply to the placement of a
40 dependent child with a parent pursuant to subdivision (a).

1 (g) (1) If the child is taken from the physical custody of the
2 child's parent or guardian and unless the child is placed with
3 relatives, the child shall be placed in foster care in the county of
4 residence of the child's parent or guardian in order to facilitate
5 reunification of the family.

6 (2) In the event that there are no appropriate placements
7 available in the parent's or guardian's county of residence, a
8 placement may be made in an appropriate place in another county,
9 preferably a county located adjacent to the parent's or guardian's
10 community of residence.

11 (3) Nothing in this section shall be interpreted as requiring
12 multiple disruptions of the child's placement corresponding to
13 frequent changes of residence by the parent or guardian. In
14 determining whether the child should be moved, the social worker
15 shall take into consideration the potential harmful effects of
16 disrupting the placement of the child and the parent's or guardian's
17 reason for the move.

18 (4) When it has been determined that it is necessary for a child
19 to be placed in a county other than the child's parent's or guardian's
20 county of residence, the specific reason the out-of-county
21 placement is necessary shall be documented in the child's case
22 plan. If the reason the out-of-county placement is necessary is the
23 lack of resources in the sending county to meet the specific needs
24 of the child, those specific resource needs shall be documented in
25 the case plan.

26 (5) When it has been determined that a child is to be placed out
27 of county either in a group home or with a foster family agency
28 for subsequent placement in a certified foster family home, and
29 the sending county is to maintain responsibility for supervision
30 and visitation of the child, the sending county shall develop a plan
31 of supervision and visitation that specifies the supervision and
32 visitation activities to be performed and specifies that the sending
33 county is responsible for performing those activities. In addition
34 to the plan of supervision and visitation, the sending county shall
35 document information regarding any known or suspected dangerous
36 behavior of the child that indicates the child may pose a safety
37 concern in the receiving county. Upon implementation of the Child
38 Welfare Services Case Management System, the plan of
39 supervision and visitation, as well as information regarding any
40 known or suspected dangerous behavior of the child, shall be made

1 available to the receiving county upon placement of the child in
2 the receiving county. If placement occurs on a weekend or holiday,
3 the information shall be made available to the receiving county on
4 or before the end of the next business day.

5 (6) When it has been determined that a child is to be placed out
6 of county and the sending county plans that the receiving county
7 shall be responsible for the supervision and visitation of the child,
8 the sending county shall develop a formal agreement between the
9 sending and receiving counties. The formal agreement shall specify
10 the supervision and visitation to be provided the child, and shall
11 specify that the receiving county is responsible for providing the
12 supervision and visitation. The formal agreement shall be approved
13 and signed by the sending and receiving counties prior to placement
14 of the child in the receiving county. In addition, upon completion
15 of the case plan, the sending county shall provide a copy of the
16 completed case plan to the receiving county. The case plan shall
17 include information regarding any known or suspected dangerous
18 behavior of the child that indicates the child may pose a safety
19 concern to the receiving county.

20 (h) Whenever the social worker must change the placement of
21 the child and is unable to find a suitable placement within the
22 county and must place the child outside the county, the placement
23 shall not be made until he or she has served written notice on the
24 parent or ~~guardian~~ guardian, the child's attorney, and, if the child
25 is 10 years of age or older, on the child, at least 14 days prior to
26 the placement, unless the child's health or well-being is endangered
27 by delaying the action or would be endangered if prior notice were
28 given. The notice shall state the reasons that require placement
29 outside the county. The *child or* parent or guardian may object to
30 the placement not later than seven days after receipt of the notice
31 and, upon objection, the court shall hold a hearing not later than
32 five days after the objection and prior to the placement. The court
33 shall order out-of-county placement if it finds that the child's
34 particular needs require placement outside the county.

35 (i) If the court has ordered removal of the child from the physical
36 custody of his or her parents pursuant to Section 361, the court
37 shall consider whether the family ties and best interest of the child
38 will be served by granting visitation rights to the child's
39 grandparents. The court shall clearly specify those rights to the
40 social worker.

(j) If the court has ordered removal of the child from the physical custody of his or her parents pursuant to Section 361, the court shall consider whether there are any siblings under the court's jurisdiction, or any nondependent siblings in the physical custody of a parent subject to the court's jurisdiction, the nature of the relationship between the child and his or her siblings, the appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

(k) (1) An agency shall ensure placement of a child in a home that, to the fullest extent possible, best meets the day-to-day needs of the child. A home that best meets the day-to-day needs of the child shall satisfy all of the following criteria:

(A) The child's caregiver is able to meet the day-to-day health, safety, and well-being needs of the child.

(B) The child's caregiver is permitted to maintain the least restrictive family setting that promotes normal childhood experiences and that serves the day-to-day needs of the child.

(C) The child is permitted to engage in reasonable, age-appropriate day-to-day activities that promote normal childhood experiences for the foster child.

(2) The foster child's caregiver shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, to determine day-to-day activities that are age appropriate to meet the needs of the child. Nothing in this section shall be construed to permit a child's caregiver to permit the child to engage in day-to-day activities that carry an unreasonable risk of harm, or subject the child to abuse or neglect.

(l) This section shall become operative on January 1, 2017.

SEC. 71. Section 361.3 of the Welfare and Institutions Code is amended to read:

361.3. (a) In any case in which a child is removed from the physical custody of his or her parents pursuant to Section 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative's immigration status. In determining whether placement with a relative is appropriate, the county social worker and court shall consider, but shall not be limited to, consideration of all the following factors:

1 (1) The best interest of the child, including special physical,
2 psychological, educational, medical, or emotional needs.

3 (2) The wishes of the parent, the relative, and child, if
4 appropriate.

5 (3) The provisions of Part 6 (commencing with Section 7950)
6 of Division 12 of the Family Code regarding relative placement.

7 (4) Placement of siblings and half siblings in the same home,
8 unless that placement is found to be contrary to the safety and
9 well-being of any of the siblings, as provided in Section 16002.

10 (5) The good moral character of the relative and any other adult
11 living in the home, including whether any individual residing in
12 the home has a prior history of violent criminal acts or has been
13 responsible for acts of child abuse or neglect.

14 (6) The nature and duration of the relationship between the child
15 and the relative, and the relative's desire to care for, and to provide
16 legal permanency for, the child if reunification is unsuccessful.

17 (7) The ability of the relative to do the following:

18 (A) Provide a safe, secure, and stable environment for the child.

19 (B) Exercise proper and effective care and control of the child.

20 (C) Provide a home and the necessities of life for the child.

21 (D) Protect the child from his or her parents.

22 (E) Facilitate court-ordered reunification efforts with the parents.

23 (F) Facilitate visitation with the child's other relatives.

24 (G) Facilitate implementation of all elements of the case plan.

25 (H) (i) Provide legal permanence for the child if reunification
26 fails.

27 (ii) However, any finding made with respect to the factor
28 considered pursuant to this subparagraph and pursuant to
29 subparagraph (G) shall not be the sole basis for precluding
30 preferential placement with a relative.

31 (I) Arrange for appropriate and safe child care, as necessary.

32 (8) (A) The safety of the relative's home. For a relative to be
33 considered appropriate to receive placement of a child under this
34 section on an emergency basis, the relative's home shall first be
35 assessed pursuant to the process and standards described in
36 subdivision (d) of Section 309.

37 (B) In this regard, the Legislature declares that a physical
38 disability, such as blindness or deafness, is no bar to the raising
39 of children, and a county social worker's determination as to the
40 ability of a disabled relative to exercise care and control should

1 center upon whether the relative's disability prevents him or her
2 from exercising care and control. The court shall order the parent
3 to disclose to the county social worker the names, residences, and
4 any other known identifying information of any maternal or
5 paternal relatives of the child. This inquiry shall not be construed,
6 however, to guarantee that the child will be placed with any person
7 so identified. The county social worker shall initially contact the
8 relatives given preferential consideration for placement to
9 determine if they desire the child to be placed with them. Those
10 desiring placement shall be assessed according to the factors
11 enumerated in this subdivision. The county social worker shall
12 document these efforts in the social study prepared pursuant to
13 Section 358.1. The court shall authorize the county social worker,
14 while assessing these relatives for the possibility of placement, to
15 disclose to the relative, as appropriate, the fact that the child is in
16 custody, the alleged reasons for the custody, and the projected
17 likely date for the child's return home or placement for adoption
18 or legal guardianship. However, this investigation shall not be
19 construed as good cause for continuance of the dispositional
20 hearing conducted pursuant to Section 358.

21 (b) In any case in which more than one appropriate relative
22 requests preferential consideration pursuant to this section, each
23 relative shall be considered under the factors enumerated in
24 subdivision (a). Consistent with the legislative intent for children
25 to be placed immediately with a responsible relative, this section
26 does not limit the county social worker's ability to place a child
27 in the home of an appropriate relative or a nonrelative extended
28 family member pending the consideration of other relatives who
29 have requested preferential consideration.

30 (c) For purposes of this section:

31 (1) "Preferential consideration" means that the relative seeking
32 placement shall be the first placement to be considered and
33 investigated.

34 (2) "Relative" means an adult who is related to the child by
35 blood, adoption, or affinity within the fifth degree of kinship,
36 including stepparents, stepsiblings, and all relatives whose status
37 is preceded by the words "great," "great-great," or "grand," or the
38 spouse of any of these persons even if the marriage was terminated
39 by death or dissolution. However, only the following relatives

1 shall be given preferential consideration for the placement of the
2 child: an adult who is a grandparent, aunt, uncle, or sibling.

3 (d) Subsequent to the hearing conducted pursuant to Section
4 358, whenever a new placement of the child must be made,
5 consideration for placement shall again be given as described in
6 this section to relatives who have not been found to be unsuitable
7 and who will fulfill the child's reunification or permanent plan
8 requirements. In addition to the factors described in subdivision
9 (a), the county social worker shall consider whether the relative
10 has established and maintained a relationship with the child.

11 (e) If the court does not place the child with a relative who has
12 been considered for placement pursuant to this section, the court
13 shall state for the record the reasons placement with that relative
14 was denied.

15 (f) (1) With respect to a child who satisfies the criteria set forth
16 in paragraph (2), the department and any licensed adoption agency
17 may search for a relative and furnish identifying information
18 relating to the child to that relative if it is believed the child's
19 welfare will be promoted thereby.

20 (2) Paragraph (1) shall apply if both of the following conditions
21 are satisfied:

22 (A) The child was previously a dependent of the court.

23 (B) The child was previously adopted and the adoption has been
24 disrupted, set aside pursuant to Section 9100 or 9102 of the Family
25 Code, or the child has been released into the custody of the
26 department or a licensed adoption agency by the adoptive parent
27 or parents.

28 (3) As used in this subdivision, "relative" includes a member
29 of the child's birth family and nonrelated extended family
30 members, regardless of whether the parental rights were terminated,
31 provided that both of the following are true:

32 (A) No appropriate potential caretaker is known to exist from
33 the child's adoptive family, including nonrelated extended family
34 members of the adoptive family.

35 (B) The child was not the subject of a voluntary relinquishment
36 by the birth parents pursuant to Section 8700 of the Family Code
37 or Section 1255.7 of the Health and Safety Code.

38 *SEC. 71.5. Section 361.3 of the Welfare and Institutions Code*
39 *is amended to read:*

361.3. (a) In any case in which a child is removed from the physical custody of his or her parents pursuant to Section 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative's immigration status. In determining whether placement with a relative is appropriate, the county social worker and court shall consider, but shall not be limited to, consideration of all the following factors:

(1) The best interest of the child, including special physical, psychological, educational, medical, or emotional needs.

(2) The wishes of the parent, the relative, and child, if appropriate.

(3) The provisions of Part 6 (commencing with Section 7950) of Division 12 of the Family Code regarding relative placement.

(4) Placement of siblings and half siblings in the same home, unless that placement is found to be contrary to the safety and well-being of any of the siblings, as provided in Section 16002.

(5) The good moral character of the relative and any other adult living in the home, including whether any individual residing in the home has a prior history of violent criminal acts or has been responsible for acts of child abuse or neglect.

(6) The nature and duration of the relationship between the child and the relative, and the relative's desire to care for, and to provide legal permanency for, the child if reunification is unsuccessful.

(7) The ability of the relative to do the following:

(A) Provide a safe, secure, and stable environment for the child.

(B) Exercise proper and effective care and control of the child.

(C) Provide a home and the necessities of life for the child.

(D) Protect the child from his or her parents.

(E) Facilitate court-ordered reunification efforts with the parents.

(F) Facilitate visitation with the child's other relatives.

(G) Facilitate implementation of all elements of the case plan.

(H) (i) Provide legal permanence for the child if reunification fails.

~~However,~~

(ii) *However*, any finding made with respect to the factor considered pursuant to this subparagraph and pursuant to subparagraph (G) shall not be the sole basis for precluding preferential placement with a relative.

(I) Arrange for appropriate and safe child care, as necessary.

1 (8) (A) The safety of the relative's home. For a relative to be
2 considered appropriate to receive placement of a child under this
3 ~~section~~, *section on an emergency basis*, the relative's home shall
4 first be ~~approved~~ *assessed* pursuant to the process and standards
5 described in subdivision (d) of Section 309.

6 ~~In~~

7 (B) *In* this regard, the Legislature declares that a physical
8 disability, such as blindness or deafness, is no bar to the raising
9 of children, and a county social worker's determination as to the
10 ability of a disabled relative to exercise care and control should
11 center upon whether the relative's disability prevents him or her
12 from exercising care and control. The court shall order the parent
13 to disclose to the county social worker the names, residences, and
14 any other known identifying information of any maternal or
15 paternal relatives of the child. This inquiry shall not be construed,
16 however, to guarantee that the child will be placed with any person
17 so identified. The county social worker shall initially contact the
18 relatives given preferential consideration for placement to
19 determine if they desire the child to be placed with them. Those
20 desiring placement shall be assessed according to the factors
21 enumerated in this subdivision. The county social worker shall
22 document these efforts in the social study prepared pursuant to
23 Section 358.1. The court shall authorize the county social worker,
24 while assessing these relatives for the possibility of placement, to
25 disclose to the relative, as appropriate, the fact that the child is in
26 custody, the alleged reasons for the custody, and the projected
27 likely date for the child's return home or placement for adoption
28 or legal guardianship. However, this investigation shall not be
29 construed as good cause for continuance of the dispositional
30 hearing conducted pursuant to Section 358.

31 (b) In any case in which more than one appropriate relative
32 requests preferential consideration pursuant to this section, each
33 relative shall be considered under the factors enumerated in
34 subdivision (a). Consistent with the legislative intent for children
35 to be placed immediately with a responsible relative, this section
36 does not limit the county social worker's ability to place a child
37 in the home of an appropriate relative or a nonrelative extended
38 family member pending the consideration of other relatives who
39 have requested preferential consideration.

40 (c) For purposes of this section:

1 (1) "Preferential consideration" means that the relative seeking
2 placement shall be the first placement to be considered and
3 investigated.

4 (2) "Relative" means an adult who is related to the child by
5 blood, adoption, or affinity within the fifth degree of kinship,
6 including stepparents, stepsiblings, and all relatives whose status
7 is preceded by the words "great," "great-great," or "grand," or the
8 spouse of any of these persons even if the marriage was terminated
9 by death or dissolution. However, only the following relatives
10 shall be given preferential consideration for the placement of the
11 child: an adult who is a grandparent, aunt, uncle, or sibling.

12 (d) (1) Subsequent to the hearing conducted pursuant to Section
13 358, whenever a new placement of the child must be made,
14 consideration for placement shall again be given as described in
15 this section to relatives who have not been found to be unsuitable
16 and who will fulfill the child's reunification or permanent plan
17 requirements. In addition to the factors described in subdivision
18 (a), the county social worker shall consider whether the relative
19 has established and maintained a relationship with the child.

20 (2) (A) *Whenever a relative identifies himself or herself to the*
21 *county subsequent to the hearing conducted pursuant to Section*
22 *358 and during the provision of reunification services, and the*
23 *county is not otherwise considering a change of placement, the*
24 *county shall, within 14 calendar days, determine whether it is in*
25 *the best interest of the child to assess and consider the relative for*
26 *placement and shall inform the court, the relative, and all parties*
27 *to the case of its decision, including the reasons for its decision.*
28 *In its determination of whether it is in the best interest of the child*
29 *to assess the relative, the county shall take into account all known*
30 *relevant factors of the case. This initial determination shall not*
31 *require an assessment of the relative.*

32 (B) *If the county does not assess the relative for placement, at*
33 *the request of the child, the court shall set the matter for hearing*
34 *and may order the agency to assess the relative for placement*
35 *according to the factors described in subdivision (a) and*
36 *recommend to the court whether the child should be placed with*
37 *the relative. If the court does not order the county to assess the*
38 *relative, it shall state the reasons for the decision in writing or on*
39 *the record.*

1 (C) If the county does not assess the relative for placement, at
2 the request of a party to the case or on its own motion, the court
3 may set the matter for hearing and may order the agency to assess
4 the relative according to the factors described in subdivision (a)
5 and recommend to the court whether the child should be placed
6 with the relative. If the court does not order the county to assess
7 the relative, it shall state the reasons for the decision in writing
8 or on the record.

9 (D) Pursuant to Section 388, a relative may request the court
10 to order the county to assess the relative for placement of the child.
11 The court may set the matter for hearing and may order the agency
12 to assess the relative for placement according to the factors
13 described in subdivision (a) and recommend to the court whether
14 the child should be placed with the relative. If the court does not
15 set the matter for hearing, the court shall state its reasons for the
16 denial in writing or on the record.

17 (e) If the court does not place the child with a relative who has
18 been considered for placement pursuant to this section, the court
19 shall state for the record the reasons placement with that relative
20 was denied.

21 (f) (1) With respect to a child who satisfies the criteria set forth
22 in paragraph (2), the department and any licensed adoption agency
23 may search for a relative and furnish identifying information
24 relating to the child to that relative if it is believed the child's
25 welfare will be promoted thereby.

26 (2) Paragraph (1) shall apply if both of the following conditions
27 are satisfied:

28 (A) The child was previously a dependent of the court.

29 (B) The child was previously adopted and the adoption has been
30 disrupted, set aside pursuant to Section 9100 or 9102 of the Family
31 Code, or the child has been released into the custody of the
32 department or a licensed adoption agency by the adoptive parent
33 or parents.

34 (3) As used in this subdivision, "relative" includes a member
35 of the child's birth family and nonrelated extended family
36 members, regardless of whether the parental rights were terminated,
37 provided that both of the following are true:

38 (A) No appropriate potential caretaker is known to exist from
39 the child's adoptive family, including nonrelated extended family
40 members of the adoptive family.

1 (B) The child was not the subject of a voluntary relinquishment
2 by the birth parents pursuant to Section 8700 of the Family Code
3 or Section 1255.7 of the Health and Safety Code.

4 SEC. 72. Section 361.4 of the Welfare and Institutions Code
5 is amended to read:

6 361.4. (a) Prior to placing a child in the home of a relative, or
7 the home of any prospective guardian or another person who is
8 not a licensed or certified foster parent or an approved resource
9 family, the county social worker shall visit the home to ascertain
10 the appropriateness of the placement.

11 (b) (1) Whenever a child may be placed in the home of a
12 relative, a prospective guardian, or another person who is not a
13 licensed or certified foster parent or an approved resource family,
14 the court or county social worker placing the child shall cause a
15 state-level criminal records check to be conducted by an appropriate
16 government agency through the California Law Enforcement
17 Telecommunications System (CLETS) pursuant to Section 16504.5.
18 The criminal records check shall be conducted with regard to all
19 persons over 18 years of age living in the home, and on any other
20 person over 18 years of age, other than professionals providing
21 professional services to the child, known to the placing entity who
22 may have significant contact with the child, including any person
23 who has a familial or intimate relationship with any person living
24 in the home. A criminal records check may be conducted pursuant
25 to this section on any person over 14 years of age living in the
26 home who the county social worker believes may have a criminal
27 record. Within 10 calendar days following the criminal records
28 check conducted through the California Law Enforcement
29 Telecommunications System, the social worker shall ensure that
30 a fingerprint clearance check of the relative and any other person
31 whose criminal record was obtained pursuant to this subdivision
32 is initiated through the Department of Justice to ensure the accuracy
33 of the criminal records check conducted through the California
34 Law Enforcement Telecommunications System and shall review
35 the results of any criminal records check to assess the safety of the
36 home. The Department of Justice shall forward fingerprint requests
37 for federal-level criminal history information to the Federal Bureau
38 of Investigation pursuant to this section.

39 (2) An identification card from a foreign consulate or foreign
40 passport shall be considered a valid form of identification for

1 conducting a criminal records check and fingerprint clearance
2 check under this subdivision and under subdivision (c).

3 (c) Whenever a child may be placed in the home of a relative,
4 a prospective guardian, or another person who is not a licensed or
5 certified foster parent or an approved resource family, the county
6 social worker shall cause a check of the Child Abuse Central Index
7 pursuant to subdivision (a) of Section 11170 of the Penal Code to
8 be requested from the Department of Justice. The Child Abuse
9 Central Index check shall be conducted on all persons over 18
10 years of age living in the home. For any application received on
11 or after January 1, 2008, if any person in the household is 18 years
12 of age or older and has lived in another state in the preceding five
13 years, the county social worker shall check the other state's child
14 abuse and neglect registry to the extent required by federal law.

15 (d) (1) If the results of the California and federal criminal
16 records check indicates that the person has no criminal record, the
17 county social worker and court may consider the home of the
18 relative, prospective guardian, or other person who is not a licensed
19 or certified foster parent or approved resource family for placement
20 of a child.

21 (2) If the criminal records check indicates that the person has
22 been convicted of a crime that the Director of Social Services
23 cannot grant an exemption for under Section 1522 of the Health
24 and Safety Code, the child shall not be placed in the home. If the
25 criminal records check indicates that the person has been convicted
26 of a crime that the Director of Social Services may grant an
27 exemption for under Section 1522 of the Health and Safety Code,
28 the child shall not be placed in the home unless a criminal records
29 exemption has been granted by the county, based on substantial
30 and convincing evidence to support a reasonable belief that the
31 person with the criminal conviction is of such good character as
32 to justify the placement and not present a risk of harm to the child
33 pursuant to paragraph (3).

34 (3) (A) A county may issue a criminal records exemption only
35 if that county has been granted permission by the Director of Social
36 Services to issue criminal records exemptions. The county may
37 file a request with the Director of Social Services seeking
38 permission for the county to establish a procedure to evaluate and
39 grant appropriate individual criminal records exemptions for
40 persons described in subdivision (b). The director shall grant or

1 deny the county's request within 14 days of receipt. The county
2 shall evaluate individual criminal records in accordance with the
3 standards and limitations set forth in paragraph (1) of subdivision
4 (g) of Section 1522 of the Health and Safety Code, and in no event
5 shall the county place a child in the home of a person who is
6 ineligible for an exemption under that provision.

7 (B) The department shall monitor county implementation of the
8 authority to grant an exemption under this paragraph to ensure that
9 the county evaluates individual criminal records and allows or
10 disallows placements according to the standards set forth in
11 paragraph (1) of subdivision (g) of Section 1522 of the Health and
12 Safety Code.

13 (4) The department shall conduct an evaluation of the
14 implementation of paragraph (3) through random sampling of
15 county exemption decisions.

16 (5) The State Department of Social Services shall not evaluate
17 or grant criminal records exemption requests for persons described
18 in subdivision (b), unless the exemption request is made by an
19 Indian tribe pursuant to subdivision (e).

20 (6) If a county has not requested, or has not been granted,
21 permission by the State Department of Social Services to establish
22 a procedure to evaluate and grant criminal records exemptions,
23 the county shall not place a child into the home of a person
24 described in subdivision (b) if any person residing in the home has
25 been convicted of a crime other than a minor traffic violation,
26 except as provided in subdivision (e).

27 (e) The State Department of Social Services shall evaluate a
28 request from an Indian tribe to exempt a crime that is exemptible
29 under Section 1522 of the Health and Safety Code, if needed, to
30 allow placement into an Indian home that the tribe has designated
31 for placement under the federal Indian Child Welfare Act (25
32 U.S.C. Sec. 1901 et seq.). However, if the county with jurisdiction
33 over the child that is the subject of the tribe's request has
34 established an approved procedure pursuant to paragraph (3) of
35 subdivision (d), the tribe may request that the county evaluate the
36 exemption request. Once a tribe has elected to have the exemption
37 request reviewed by either the State Department of Social Services
38 or the county, the exemption decision may only be made by that
39 entity. Nothing in this subdivision limits the duty of a county social

1 worker to evaluate the home for placement or to gather information
2 needed to evaluate an exemption request.

3 SEC. 73. Section 361.45 of the Welfare and Institutions Code
4 is amended to read:

5 361.45. (a) Notwithstanding any other law, when the sudden
6 unavailability of a foster caregiver requires a change in placement
7 on an emergency basis for a child who is under the jurisdiction of
8 the juvenile court pursuant to Section 300, if an able and willing
9 relative, as defined in Section 319, or an able and willing
10 nonrelative extended family member, as defined in Section 362.7,
11 is available and requests temporary placement of the child pending
12 resolution of the emergency situation, the county welfare
13 department shall initiate an assessment of the relative's or
14 nonrelative extended family member's suitability, which shall
15 include an in-home inspection to assess the safety of the home and
16 the ability of the relative or nonrelative extended family member
17 to care for the child's needs, and a consideration of the results of
18 a criminal records check conducted pursuant to subdivision (a) of
19 Section 16504.5 and a check of allegations of prior child abuse or
20 neglect concerning the relative or nonrelative extended family
21 member and other adults in the home. Upon completion of this
22 assessment, the child may be placed on an emergency basis in the
23 assessed home.

24 (b) Following the emergency placement of a child in the home
25 of a relative or a nonrelative extended family member, the county
26 welfare department shall evaluate and approve or deny the home
27 pursuant to Section 16519.5.

28 (c) (1) On and after January 1, 2012, if a nonminor dependent,
29 as defined in subdivision (v) of Section 11400, is placed in the
30 home of a relative or nonrelative extended family member, the
31 home shall be approved using the same standards set forth in
32 regulations as described in Section 1502.7 of the Health and Safety
33 Code.

34 (2) On or before July 1, 2012, the department, in consultation
35 with representatives of the Legislature, the County Welfare
36 Directors Association, the Chief Probation Officers of California,
37 the California Youth Connection, the Judicial Council, former
38 foster youth, child advocacy organizations, dependency counsel
39 for children, juvenile justice advocacy organizations, foster
40 caregiver organizations, labor organizations, and representatives

1 of Indian tribes, shall revise regulations regarding health and safety
2 standards for approving relative homes in which nonminor
3 dependents, as defined in subdivision (v) of Section 11400, of the
4 juvenile court are placed under the responsibility of the county
5 welfare or probation department, or an Indian tribe that entered
6 into an agreement pursuant to Section 10553.1.

7 (3) Notwithstanding the Administrative Procedure Act (Chapter
8 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
9 Title 2 of the Government Code), the department, in consultation
10 with the stakeholders listed in paragraph (2), shall prepare for
11 implementation of the applicable provisions of this section by
12 publishing all-county letters or similar instructions from the director
13 by October 1, 2011, to be effective January 1, 2012. Emergency
14 regulations to implement this section may be adopted by the
15 director in accordance with the Administrative Procedure Act. The
16 initial adoption of the emergency regulations and one readoption
17 of the initial regulations shall be deemed to be an emergency and
18 necessary for the immediate preservation of the public peace,
19 health, safety, or general welfare. Initial emergency regulations
20 and the first readoption of those emergency regulations shall be
21 exempt from review by the Office of Administrative Law. The
22 emergency regulations authorized by this section shall be submitted
23 to the Office of Administrative Law for filing with the Secretary
24 of State and shall remain in effect for no more than 180 days.

25 SEC. 74. Section 361.5 of the Welfare and Institutions Code
26 is amended to read:

27 361.5. (a) Except as provided in subdivision (b), or when the
28 parent has voluntarily relinquished the child and the relinquishment
29 has been filed with the State Department of Social Services, or
30 upon the establishment of an order of guardianship pursuant to
31 Section 360, or when a court adjudicates a petition under Section
32 329 to modify the court's jurisdiction from delinquency jurisdiction
33 to dependency jurisdiction pursuant to subparagraph (A) of
34 paragraph (2) of subdivision (b) of Section 607.2 and the parents
35 or guardian of the ward have had reunification services terminated
36 under the delinquency jurisdiction, whenever a child is removed
37 from a parent's or guardian's custody, the juvenile court shall order
38 the social worker to provide child welfare services to the child and
39 the child's mother and statutorily presumed father or guardians.
40 Upon a finding and declaration of paternity by the juvenile court

1 or proof of a prior declaration of paternity by any court of
2 competent jurisdiction, the juvenile court may order services for
3 the child and the biological father, if the court determines that the
4 services will benefit the child.

5 (1) Family reunification services, when provided, shall be
6 provided as follows:

7 (A) Except as otherwise provided in subparagraph (C), for a
8 child who, on the date of initial removal from the physical custody
9 of his or her parent or guardian, was three years of age or older,
10 court-ordered services shall be provided beginning with the
11 dispositional hearing and ending 12 months after the date the child
12 entered foster care as provided in Section 361.49, unless the child
13 is returned to the home of the parent or guardian.

14 (B) For a child who, on the date of initial removal from the
15 physical custody of his or her parent or guardian, was under three
16 years of age, court-ordered services shall be provided for a period
17 of six months from the dispositional hearing as provided in
18 subdivision (e) of Section 366.21, but no longer than 12 months
19 from the date the child entered foster-care care, as provided in
20 Section ~~361.49~~ 361.49, unless the child is returned to the home of
21 the parent or guardian.

22 (C) For the purpose of placing and maintaining a sibling group
23 together in a permanent home should reunification efforts fail, for
24 a child in a sibling group whose members were removed from
25 parental custody at the same time, and in which one member of
26 the sibling group was under three years of age on the date of initial
27 removal from the physical custody of his or her parent or guardian,
28 court-ordered services for some or all of the sibling group may be
29 limited as set forth in subparagraph (B). For the purposes of this
30 paragraph, “a sibling group” shall mean two or more children who
31 are related to each other as full or half siblings.

32 (2) Any motion to terminate court-ordered reunification services
33 prior to the hearing set pursuant to subdivision (f) of Section 366.21
34 for a child described by subparagraph (A) of paragraph (1), or
35 prior to the hearing set pursuant to subdivision (e) of Section
36 366.21 for a child described by subparagraph (B) or (C) of
37 paragraph (1), shall be made pursuant to the requirements set forth
38 in subdivision (c) of Section 388. A motion to terminate
39 court-ordered reunification services shall not be required at the

1 hearing set pursuant to subdivision (e) of Section 366.21 if the
2 court finds by clear and convincing evidence one of the following:

3 (A) That the child was removed initially under subdivision (g)
4 of Section 300 and the whereabouts of the parent are still unknown.

5 (B) That the parent has failed to contact and visit the child.

6 (C) That the parent has been convicted of a felony indicating
7 parental unfitness.

8 (3) (A) Notwithstanding subparagraphs (A), (B), and (C) of
9 paragraph (1), court-ordered services may be extended up to a
10 maximum time period not to exceed 18 months after the date the
11 child was originally removed from physical custody of his or her
12 parent or guardian if it can be shown, at the hearing held pursuant
13 to subdivision (f) of Section 366.21, that the permanent plan for
14 the child is that he or she will be returned and safely maintained
15 in the home within the extended time period. The court shall extend
16 the time period only if it finds that there is a substantial probability
17 that the child will be returned to the physical custody of his or her
18 parent or guardian within the extended time period or that
19 reasonable services have not been provided to the parent or
20 guardian. In determining whether court-ordered services may be
21 extended, the court shall consider the special circumstances of an
22 incarcerated or institutionalized parent or parents, parent or parents
23 court-ordered to a residential substance abuse treatment program,
24 or a parent who has been arrested and issued an immigration hold,
25 detained by the United States Department of Homeland Security,
26 or deported to his or her country of origin, including, but not
27 limited to, barriers to the parent's or guardian's access to services
28 and ability to maintain contact with his or her child. The court
29 shall also consider, among other factors, good faith efforts that the
30 parent or guardian has made to maintain contact with the child. If
31 the court extends the time period, the court shall specify the factual
32 basis for its conclusion that there is a substantial probability that
33 the child will be returned to the physical custody of his or her
34 parent or guardian within the extended time period. The court also
35 shall make findings pursuant to subdivision (a) of Section 366 and
36 subdivision (e) of Section 358.1.

37 ~~When~~

38 (B) *When* counseling or other treatment services are ordered,
39 the parent or guardian shall be ordered to participate in those
40 services, unless the parent's or guardian's participation is deemed

1 by the court to be inappropriate or potentially detrimental to the
2 child, or unless a parent or guardian is incarcerated or detained by
3 the United States Department of Homeland Security and the
4 corrections facility in which he or she is incarcerated does not
5 provide access to the treatment services ordered by the court, or
6 has been deported to his or her country of origin and services
7 ordered by the court are not accessible in that country. Physical
8 custody of the child by the parents or guardians during the
9 applicable time period under subparagraph (A), (B), or (C) of
10 paragraph (1) shall not serve to interrupt the running of the time
11 period. If at the end of the applicable time period, a child cannot
12 be safely returned to the care and custody of a parent or guardian
13 without court supervision, but the child clearly desires contact with
14 the parent or guardian, the court shall take the child's desire into
15 account in devising a permanency plan.

16 ~~In~~

17 (c) *In* cases where the child was under three years of age on the
18 date of the initial removal from the physical custody of his or her
19 parent or guardian or is a member of a sibling group as described
20 in subparagraph (C) of paragraph (1), the court shall inform the
21 parent or guardian that the failure of the parent or guardian to
22 participate regularly in any court-ordered treatment programs or
23 to cooperate or avail himself or herself of services provided as part
24 of the child welfare services case plan may result in a termination
25 of efforts to reunify the family after six months. The court shall
26 inform the parent or guardian of the factors used in subdivision
27 (e) of Section 366.21 to determine whether to limit services to six
28 months for some or all members of a sibling group as described
29 in subparagraph (C) of paragraph (1).

30 (4) (A) Notwithstanding paragraph (3), court-ordered services
31 may be extended up to a maximum time period not to exceed 24
32 months after the date the child was originally removed from
33 physical custody of his or her parent or guardian if it is shown, at
34 the hearing held pursuant to subdivision (b) of Section 366.22,
35 that the permanent plan for the child is that he or she will be
36 returned and safely maintained in the home within the extended
37 time period. The court shall extend the time period only if it finds
38 that it is in the child's best interest to have the time period extended
39 and that there is a substantial probability that the child will be
40 returned to the physical custody of his or her parent or guardian

1 who is described in subdivision (b) of Section 366.22 within the
2 extended time period, or that reasonable services have not been
3 provided to the parent or guardian. If the court extends the time
4 period, the court shall specify the factual basis for its conclusion
5 that there is a substantial probability that the child will be returned
6 to the physical custody of his or her parent or guardian within the
7 extended time period. The court also shall make findings pursuant
8 to subdivision (a) of Section 366 and subdivision (e) of Section
9 358.1.

10 ~~When~~

11 (B) *When* counseling or other treatment services are ordered,
12 the parent or guardian shall be ordered to participate in those
13 services, in order for substantial probability to be found. Physical
14 custody of the child by the parents or guardians during the
15 applicable time period under subparagraph (A), (B), or (C) of
16 paragraph (1) shall not serve to interrupt the running of the time
17 period. If at the end of the applicable time period, the child cannot
18 be safely returned to the care and custody of a parent or guardian
19 without court supervision, but the child clearly desires contact with
20 the parent or guardian, the court shall take the child's desire into
21 account in devising a permanency plan.

22 ~~Except~~

23 (C) *Except* in cases where, pursuant to subdivision (b), the court
24 does not order reunification services, the court shall inform the
25 parent or parents of Section 366.26 and shall specify that the
26 parent's or parents' parental rights may be terminated.

27 (b) Reunification services need not be provided to a parent or
28 guardian described in this subdivision when the court finds, by
29 clear and convincing evidence, any of the following:

30 (1) That the whereabouts of the parent or guardian ~~is~~ *are*
31 unknown. A finding pursuant to this paragraph shall be supported
32 by an affidavit or by proof that a reasonably diligent search has
33 failed to locate the parent or guardian. The posting or publication
34 of notices is not required in that search.

35 (2) That the parent or guardian is suffering from a mental
36 disability that is described in Chapter 2 (commencing with Section
37 7820) of Part 4 of Division 12 of the Family Code and that renders
38 him or her incapable of utilizing those services.

39 (3) That the child or a sibling of the child has been previously
40 adjudicated a dependent pursuant to any subdivision of Section

1 300 as a result of physical or sexual abuse, that following that
2 adjudication the child had been removed from the custody of his
3 or her parent or guardian pursuant to Section 361, that the child
4 has been returned to the custody of the parent or guardian from
5 whom the child had been taken originally, and that the child is
6 being removed pursuant to Section 361, due to additional physical
7 or sexual abuse.

8 (4) That the parent or guardian of the child has caused the death
9 of another child through abuse or neglect.

10 (5) That the child was brought within the jurisdiction of the
11 court under subdivision (e) of Section 300 because of the conduct
12 of that parent or guardian.

13 (6) (A) That the child has been adjudicated a dependent
14 pursuant to any subdivision of Section 300 as a result of severe
15 sexual abuse or the infliction of severe physical harm to the child,
16 a sibling, or a half sibling by a parent or guardian, as defined in
17 this subdivision, and the court makes a factual finding that it would
18 not benefit the child to pursue reunification services with the
19 offending parent or guardian.

20 ~~A~~

21 (B) A finding of severe sexual abuse, for the purposes of this
22 subdivision, may be based on, but is not limited to, sexual
23 intercourse, or stimulation involving genital-genital, oral-genital,
24 anal-genital, or oral-anal contact, whether between the parent or
25 guardian and the child or a sibling or half sibling of the child, or
26 between the child or a sibling or half sibling of the child and
27 another person or animal with the actual or implied consent of the
28 parent or guardian; or the penetration or manipulation of the
29 child's, sibling's, or half sibling's genital organs or rectum by any
30 animate or inanimate object for the sexual gratification of the
31 parent or guardian, or for the sexual gratification of another person
32 with the actual or implied consent of the parent or guardian.

33 ~~A~~

34 (C) A finding of the infliction of severe physical harm, for the
35 purposes of this subdivision, may be based on, but is not limited
36 to, deliberate and serious injury inflicted to or on a child's body
37 or the body of a sibling or half sibling of the child by an act or
38 omission of the parent or guardian, or of another individual or
39 animal with the consent of the parent or guardian; deliberate and
40 torturous confinement of the child, sibling, or half sibling in a

1 closed space; or any other torturous act or omission that would be
2 reasonably understood to cause serious emotional damage.

3 (7) That the parent is not receiving reunification services for a
4 sibling or a half sibling of the child pursuant to paragraph (3), (5),
5 or (6).

6 (8) That the child was conceived by means of the commission
7 of an offense listed in Section 288 or 288.5 of the Penal Code, or
8 by an act committed outside of this state that, if committed in this
9 state, would constitute one of those offenses. This paragraph only
10 applies to the parent who committed the offense or act.

11 (9) That the child has been found to be a child described in
12 subdivision (g) of Section 300; that the parent or guardian of the
13 child willfully abandoned the child, and the court finds that the
14 abandonment itself constituted a serious danger to the child; or
15 that the parent or other person having custody of the child
16 voluntarily surrendered physical custody of the child pursuant to
17 Section 1255.7 of the Health and Safety Code. For the purposes
18 of this paragraph, “serious danger” means that without the
19 intervention of another person or agency, the child would have
20 sustained severe or permanent disability, injury, illness, or death.
21 For purposes of this paragraph, “willful abandonment” shall not
22 be construed as actions taken in good faith by the parent without
23 the intent of placing the child in serious danger.

24 (10) That the court ordered termination of reunification services
25 for any siblings or half siblings of the child because the parent or
26 guardian failed to reunify with the sibling or half sibling after the
27 sibling or half sibling had been removed from that parent or
28 guardian pursuant to Section 361 and that parent or guardian is
29 the same parent or guardian described in subdivision (a) and that,
30 according to the findings of the court, this parent or guardian has
31 not subsequently made a reasonable effort to treat the problems
32 that led to removal of the sibling or half sibling of that child from
33 that parent or guardian.

34 (11) That the parental rights of a parent over any sibling or half
35 sibling of the child had been permanently severed, and this parent
36 is the same parent described in subdivision (a), and that, according
37 to the findings of the court, this parent has not subsequently made
38 a reasonable effort to treat the problems that led to removal of the
39 sibling or half sibling of that child from the parent.

1 (12) That the parent or guardian of the child has been convicted
2 of a violent felony, as defined in subdivision (c) of Section 667.5
3 of the Penal Code.

4 (13) That the parent or guardian of the child has a history of
5 extensive, abusive, and chronic use of drugs or alcohol and has
6 resisted prior court-ordered treatment for this problem during a
7 three-year period immediately prior to the filing of the petition
8 that brought that child to the court's attention, or has failed or
9 refused to comply with a program of drug or alcohol treatment
10 described in the case plan required by Section 358.1 on at least
11 two prior occasions, even though the programs identified were
12 available and accessible.

13 (14) (A) That the parent or guardian of the child has advised
14 the court that he or she is not interested in receiving family
15 maintenance or family reunification services or having the child
16 returned to or placed in his or her custody and does not wish to
17 receive family maintenance or reunification services.

18 ~~The~~

19 (B) *The* parent or guardian shall be represented by counsel and
20 shall execute a waiver of services form to be adopted by the
21 Judicial Council. The court shall advise the parent or guardian of
22 any right to services and of the possible consequences of a waiver
23 of services, including the termination of parental rights and
24 placement of the child for adoption. The court shall not accept the
25 waiver of services unless it states on the record its finding that the
26 parent or guardian has knowingly and intelligently waived the
27 right to services.

28 (15) That the parent or guardian has on one or more occasions
29 willfully abducted the child or child's sibling or half sibling from
30 his or her placement and refused to disclose the child's or child's
31 sibling's or half sibling's whereabouts, refused to return physical
32 custody of the child or child's sibling or half sibling to his or her
33 placement, or refused to return physical custody of the child or
34 child's sibling or half sibling to the social worker.

35 (16) That the parent or guardian has been required by the court
36 to be registered on a sex offender registry under the federal Adam
37 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
38 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
39 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
40 Sec. 5106a(2)(B)(xvi)(VI)).

(c) (1) In deciding whether to order reunification in any case in which this section applies, the court shall hold a dispositional hearing. The social worker shall prepare a report that discusses whether reunification services shall be provided. When it is alleged, pursuant to paragraph (2) of subdivision (b), that the parent is incapable of utilizing services due to mental disability, the court shall order reunification services unless competent evidence from mental health professionals establishes that, even with the provision of services, the parent is unlikely to be capable of adequately caring for the child within the time limits specified in subdivision (a).

~~The~~
(2) *The* court shall not order reunification for a parent or guardian described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b) unless the court finds, by clear and convincing evidence, that reunification is in the best interest of the child.

~~In~~
(3) *In* addition, the court shall not order reunification in any situation described in paragraph (5) of subdivision (b) unless it finds that, based on competent testimony, those services are likely to prevent reabuse or continued neglect of the child or that failure to try reunification will be detrimental to the child because the child is closely and positively attached to that parent. The social worker shall investigate the circumstances leading to the removal of the child and advise the court whether there are circumstances that indicate that reunification is likely to be successful or unsuccessful and whether failure to order reunification is likely to be detrimental to the child.

~~The~~
(4) *The* failure of the parent to respond to previous services, the fact that the child was abused while the parent was under the influence of drugs or alcohol, a past history of violent behavior, or testimony by a competent professional that the parent's behavior is unlikely to be changed by services are among the factors indicating that reunification services are unlikely to be successful. The fact that a parent or guardian is no longer living with an individual who severely abused the child may be considered in deciding that reunification services are likely to be successful, provided that the court shall consider any pattern of behavior on the part of the parent that has exposed the child to repeated abuse.

1 (d) If reunification services are not ordered pursuant to
2 paragraph (1) of subdivision (b) and the whereabouts of a parent
3 become known within six months of the out-of-home placement
4 of the child, the court shall order the social worker to provide
5 family reunification services in accordance with this subdivision.

6 (e) (1) If the parent or guardian is incarcerated, institutionalized,
7 or detained by the United States Department of Homeland Security,
8 or has been deported to his or her country of origin, the court shall
9 order reasonable services unless the court determines, by clear and
10 convincing evidence, those services would be detrimental to the
11 child. In determining detriment, the court shall consider the age
12 of the child, the degree of parent-child bonding, the length of the
13 sentence, the length and nature of the treatment, the nature of the
14 crime or illness, the degree of detriment to the child if services are
15 not offered and, for children 10 years of age or older, the child's
16 attitude toward the implementation of family reunification services,
17 the likelihood of the parent's discharge from incarceration,
18 institutionalization, or detention within the reunification time
19 limitations described in subdivision (a), and any other appropriate
20 factors. In determining the content of reasonable services, the court
21 shall consider the particular barriers to an incarcerated,
22 institutionalized, detained, or deported parent's access to those
23 court-mandated services and ability to maintain contact with his
24 or her child, and shall document this information in the child's
25 case plan. Reunification services are subject to the applicable time
26 limitations imposed in subdivision (a). Services may include, but
27 shall not be limited to, all of the following:

28 (A) Maintaining contact between the parent and child through
29 collect telephone calls.

30 (B) Transportation services, when appropriate.

31 (C) Visitation services, when appropriate.

32 (D) (i) Reasonable services to extended family members or
33 foster parents providing care for the child if the services are not
34 detrimental to the child.

35 ~~An~~

36 (ii) *An* incarcerated or detained parent may be required to attend
37 counseling, parenting classes, or vocational training programs as
38 part of the reunification service plan if actual access to these
39 services is provided. The social worker shall document in the
40 child's case plan the particular barriers to an incarcerated,

1 institutionalized, or detained parent's access to those
2 court-mandated services and ability to maintain contact with his
3 or her child.

4 (E) Reasonable efforts to assist parents who have been deported
5 to contact child welfare authorities in their country of origin, to
6 identify any available services that would substantially comply
7 with case plan requirements, to document the parents' participation
8 in those services, and to accept reports from local child welfare
9 authorities as to the parents' living situation, progress, and
10 participation in services.

11 (2) The presiding judge of the juvenile court of each county
12 may convene representatives of the county welfare department,
13 the sheriff's department, and other appropriate entities for the
14 purpose of developing and entering into protocols for ensuring the
15 notification, transportation, and presence of an incarcerated or
16 institutionalized parent at all court hearings involving proceedings
17 affecting the child pursuant to Section 2625 of the Penal Code.
18 The county welfare department shall utilize the prisoner locator
19 system developed by the Department of Corrections and
20 Rehabilitation to facilitate timely and effective notice of hearings
21 for incarcerated parents.

22 (3) Notwithstanding any other law, if the incarcerated parent is
23 a woman seeking to participate in the community treatment
24 program operated by the Department of Corrections and
25 Rehabilitation pursuant to Chapter 4.8 (commencing with Section
26 1174) of Title 7 of Part 2 of, Chapter 4 (commencing with Section
27 3410) of Title 2 of Part 3 of, the Penal Code, the court shall
28 determine whether the parent's participation in a program is in the
29 child's best interest and whether it is suitable to meet the needs of
30 the parent and child.

31 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
32 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)
33 or paragraph (1) of subdivision (e), does not order reunification
34 services, it shall, at the dispositional hearing, that shall include a
35 permanency hearing, determine if a hearing under Section 366.26
36 shall be set in order to determine whether adoption, guardianship,
37 placement with a fit and willing relative, or another planned
38 permanent living arrangement, ~~or or~~ in the case of an Indian child,
39 in consultation with the child's tribe, tribal customary adoption,
40 is the most appropriate plan for the child, and shall consider in-state

1 and out-of-state placement options. If the court so determines, it
2 shall conduct the hearing pursuant to Section 366.26 within 120
3 days after the dispositional hearing. However, the court shall not
4 schedule a hearing so long as the other parent is being provided
5 reunification services pursuant to subdivision (a). The court may
6 continue to permit the parent to visit the child unless it finds that
7 visitation would be detrimental to the child.

8 (g) (1) Whenever a court orders that a hearing shall be held
9 pursuant to Section 366.26, including, when, in consultation with
10 the child's tribe, tribal customary adoption is recommended, it
11 shall direct the agency supervising the child and the county
12 adoption agency, or the State Department of Social Services when
13 it is acting as an adoption agency, to prepare an assessment that
14 shall include:

15 (A) Current search efforts for an absent parent or parents and
16 notification of a noncustodial parent in the manner provided for
17 in Section 291.

18 (B) A review of the amount of and nature of any contact between
19 the child and his or her parents and other members of his or her
20 extended family since the time of placement. Although the
21 extended family of each child shall be reviewed on a case-by-case
22 basis, "extended family" for the purpose of this subparagraph shall
23 include, but not be limited to, the child's siblings, grandparents,
24 aunts, and uncles.

25 (C) An evaluation of the child's medical, developmental,
26 scholastic, mental, and emotional status.

27 (D) A preliminary assessment of the eligibility and commitment
28 of any identified prospective adoptive parent or guardian, including
29 a prospective tribal customary adoptive parent, particularly the
30 caretaker, to include a social history, including screening for
31 criminal records and prior referrals for child abuse or neglect, the
32 capability to meet the child's needs, and the understanding of the
33 legal and financial rights and responsibilities of adoption and
34 guardianship. If a proposed guardian is a relative of the minor, the
35 assessment shall also consider, but need not be limited to, all of
36 the factors specified in subdivision (a) of Section 361.3 and in
37 Section 361.4. As used in this subparagraph, "relative" means an
38 adult who is related to the minor by blood, adoption, or affinity
39 within the fifth degree of kinship, including stepparents,
40 stepsiblings, and all relatives whose status is preceded by the words

1 “great,” “great-great,” or “grand,” or the spouse of any of those
2 persons even if the marriage was terminated by death or
3 dissolution. If the proposed permanent plan is guardianship with
4 an approved relative caregiver for a minor eligible for aid under
5 the Kin-GAP Program, as provided for in Article 4.7 (commencing
6 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
7 as used in this section has the same meaning as “relative” as
8 defined in subdivision (c) of Section 11391.

9 (E) The relationship of the child to any identified prospective
10 adoptive parent or guardian, including a prospective tribal
11 customary parent, the duration and character of the relationship,
12 the degree of attachment of the child to the prospective relative
13 guardian or adoptive parent, the relative’s or adoptive parent’s
14 strong commitment to caring permanently for the child, the
15 motivation for seeking adoption or guardianship, a statement from
16 the child concerning placement and the adoption or guardianship,
17 and whether the child over 12 years of age has been consulted
18 about the proposed relative guardianship arrangements, unless the
19 child’s age or physical, emotional, or other condition precludes
20 his or her meaningful response, and if so, a description of the
21 condition.

22 (F) An analysis of the likelihood that the child will be adopted
23 if parental rights are terminated.

24 (G) In the case of an Indian child, in addition to subparagraphs
25 (A) to (F), inclusive, an assessment of the likelihood that the child
26 will be adopted, when, in consultation with the child’s tribe, a
27 tribal customary adoption, as defined in Section 366.24, is
28 recommended. If tribal customary adoption is recommended, the
29 assessment shall include an analysis of both of the following:

30 (i) Whether tribal customary adoption would or would not be
31 detrimental to the Indian child and the reasons for reaching that
32 conclusion.

33 (ii) Whether the Indian child cannot or should not be returned
34 to the home of the Indian parent or Indian custodian and the reasons
35 for reaching that conclusion.

36 (2) (A) A relative caregiver’s preference for legal guardianship
37 over adoption, if it is due to circumstances that do not include an
38 unwillingness to accept legal or financial responsibility for the
39 child, shall not constitute the sole basis for recommending removal

1 of the child from the relative caregiver for purposes of adoptive
2 placement.

3 (B) Regardless of his or her immigration status, a relative
4 caregiver shall be given information regarding the permanency
5 options of guardianship and adoption, including the long-term
6 benefits and consequences of each option, prior to establishing
7 legal guardianship or pursuing adoption. If the proposed permanent
8 plan is guardianship with an approved relative caregiver for a
9 minor eligible for aid under the Kin-GAP Program, as provided
10 for in Article 4.7 (commencing with Section 11385) of Chapter 2
11 of Part 3 of Division 9, the relative caregiver shall be informed
12 about the terms and conditions of the negotiated agreement
13 pursuant to Section 11387 and shall agree to its execution prior to
14 the hearing held pursuant to Section 366.26. A copy of the executed
15 negotiated agreement shall be attached to the assessment.

16 (h) If, at any hearing held pursuant to Section 366.26, a
17 guardianship is established for the minor with an approved relative
18 caregiver and juvenile court dependency is subsequently dismissed,
19 the minor shall be eligible for aid under the Kin-GAP Program as
20 provided for in Article 4.5 (commencing with Section 11360) or
21 Article 4.7 (commencing with Section ~~11385~~ 11385), *as*
22 *applicable*, of Chapter 2 of Part 3 of Division ~~9, as applicable.~~ 9.

23 (i) In determining whether reunification services will benefit
24 the child pursuant to paragraph (6) or (7) of subdivision (b), the
25 court shall consider any information it deems relevant, including
26 the following factors:

27 (1) The specific act or omission comprising the severe sexual
28 abuse or the severe physical harm inflicted on the child or the
29 child's sibling or half sibling.

30 (2) The circumstances under which the abuse or harm was
31 inflicted on the child or the child's sibling or half sibling.

32 (3) The severity of the emotional trauma suffered by the child
33 or the child's sibling or half sibling.

34 (4) Any history of abuse of other children by the offending
35 parent or guardian.

36 (5) The likelihood that the child may be safely returned to the
37 care of the offending parent or guardian within 12 months with no
38 continuing supervision.

39 (6) Whether or not the child desires to be reunified with the
40 offending parent or guardian.

(j) When the court determines that reunification services will not be ordered, it shall order that the child's caregiver receive the child's birth certificate in accordance with Sections 16010.4 and 16010.5. Additionally, when the court determines that reunification services will not be ordered, it shall order, when appropriate, that a child who is 16 years of age or older receive his or her birth certificate.

(k) The court shall read into the record the basis for a finding of severe sexual abuse or the infliction of severe physical harm under paragraph (6) of subdivision (b), and shall also specify the factual findings used to determine that the provision of reunification services to the offending parent or guardian would not benefit the child.

SEC. 74.5. Section 361.5 of the Welfare and Institutions Code is amended to read:

361.5. (a) Except as provided in subdivision (b), or when the parent has voluntarily relinquished the child and the relinquishment has been filed with the State Department of Social Services, or upon the establishment of an order of guardianship pursuant to Section 360, or when a court adjudicates a petition under Section 329 to modify the court's jurisdiction from delinquency jurisdiction to dependency jurisdiction pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 607.2 and the parents or guardian of the ward have had reunification services terminated under the delinquency jurisdiction, whenever a child is removed from a parent's or guardian's custody, the juvenile court shall order the social worker to provide child welfare services to the child and the child's mother and statutorily presumed father or guardians. Upon a finding and declaration of paternity by the juvenile court or proof of a prior declaration of paternity by any court of competent jurisdiction, the juvenile court may order services for the child and the biological father, if the court determines that the services will benefit the child.

(1) Family reunification services, when provided, shall be provided as follows:

(A) Except as otherwise provided in subparagraph (C), for a child who, on the date of initial removal from the physical custody of his or her parent or guardian, was three years of age or older, court-ordered services shall be provided beginning with the dispositional hearing and ending 12 months after the date the child

1 entered foster care as provided in Section 361.49, unless the child
2 is returned to the home of the parent or guardian.

3 (B) For a child who, on the date of initial removal from the
4 physical custody of his or her parent or guardian, was under three
5 years of age, court-ordered services shall be provided for a period
6 of six months from the dispositional hearing as provided in
7 subdivision (e) of Section 366.21, but no longer than 12 months
8 from the date the child entered foster-care care, as provided in
9 Section ~~361.49~~ 361.49, unless the child is returned to the home of
10 the parent or guardian.

11 (C) For the purpose of placing and maintaining a sibling group
12 together in a permanent home should reunification efforts fail, for
13 a child in a sibling group whose members were removed from
14 parental custody at the same time, and in which one member of
15 the sibling group was under three years of age on the date of initial
16 removal from the physical custody of his or her parent or guardian,
17 court-ordered services for some or all of the sibling group may be
18 limited as set forth in subparagraph (B). For the purposes of this
19 paragraph, “a sibling group” shall mean two or more children who
20 are related to each other as full or half siblings.

21 (2) Any motion to terminate court-ordered reunification services
22 prior to the hearing set pursuant to subdivision (f) of Section 366.21
23 for a child described by subparagraph (A) of paragraph (1), or
24 prior to the hearing set pursuant to subdivision (e) of Section
25 366.21 for a child described by subparagraph (B) or (C) of
26 paragraph (1), shall be made pursuant to the requirements set forth
27 in subdivision (c) of Section 388. A motion to terminate
28 court-ordered reunification services shall not be required at the
29 hearing set pursuant to subdivision (e) of Section 366.21 if the
30 court finds by clear and convincing evidence one of the following:

31 (A) That the child was removed initially under subdivision (g)
32 of Section 300 and the whereabouts of the parent are still unknown.

33 (B) That the parent has failed to contact and visit the child.

34 (C) That the parent has been convicted of a felony indicating
35 parental unfitness.

36 (3) (A) Notwithstanding subparagraphs (A), (B), and (C) of
37 paragraph (1), court-ordered services may be extended up to a
38 maximum time period not to exceed 18 months after the date the
39 child was originally removed from physical custody of his or her
40 parent or guardian if it can be shown, at the hearing held pursuant

1 to subdivision (f) of Section 366.21, that the permanent plan for
2 the child is that he or she will be returned and safely maintained
3 in the home within the extended time period. The court shall extend
4 the time period only if it finds that there is a substantial probability
5 that the child will be returned to the physical custody of his or her
6 parent or guardian within the extended time period or that
7 reasonable services have not been provided to the parent or
8 guardian. In determining whether court-ordered services may be
9 extended, the court shall consider the special circumstances of an
10 incarcerated or institutionalized parent or parents, parent or parents
11 court-ordered to a residential substance abuse treatment program,
12 or a parent who has been arrested and issued an immigration hold,
13 detained by the United States Department of Homeland Security,
14 or deported to his or her country of origin, including, but not
15 limited to, barriers to the parent's or guardian's access to services
16 and ability to maintain contact with his or her child. The court
17 shall also consider, among other factors, good faith efforts that the
18 parent or guardian has made to maintain contact with the child. If
19 the court extends the time period, the court shall specify the factual
20 basis for its conclusion that there is a substantial probability that
21 the child will be returned to the physical custody of his or her
22 parent or guardian within the extended time period. The court also
23 shall make findings pursuant to subdivision (a) of Section 366 and
24 subdivision (e) of Section 358.1.

25 ~~When~~

26 (B) When counseling or other treatment services are ordered,
27 the parent or guardian shall be ordered to participate in those
28 services, unless the parent's or guardian's participation is deemed
29 by the court to be inappropriate or potentially detrimental to the
30 child, or unless a parent or guardian is incarcerated ~~of~~ or detained
31 by the United States Department of Homeland Security and the
32 corrections facility in which he or she is incarcerated does not
33 provide access to the treatment services ordered by the court, or
34 has been deported to his or her country of origin and services
35 ordered by the court are not accessible in that country. Physical
36 custody of the child by the parents or guardians during the
37 applicable time period under subparagraph (A), (B), or (C) of
38 paragraph (1) shall not serve to interrupt the running of the time
39 period. If at the end of the applicable time period, a child cannot
40 be safely returned to the care and custody of a parent or guardian

1 without court supervision, but the child clearly desires contact with
2 the parent or guardian, the court shall take the child's desire into
3 account in devising a permanency plan.

4 ~~In~~

5 (C) *In* cases where the child was under three years of age on
6 the date of the initial removal from the physical custody of his or
7 her parent or guardian or is a member of a sibling group as
8 described in subparagraph (C) of paragraph (1), the court shall
9 inform the parent or guardian that the failure of the parent or
10 guardian to participate regularly in any court-ordered treatment
11 programs or to cooperate or avail himself or herself of services
12 provided as part of the child welfare services case plan may result
13 in a termination of efforts to reunify the family after six months.
14 The court shall inform the parent or guardian of the factors used
15 in subdivision (e) of Section 366.21 to determine whether to limit
16 services to six months for some or all members of a sibling group
17 as described in subparagraph (C) of paragraph (1).

18 (4) (A) Notwithstanding paragraph (3), court-ordered services
19 may be extended up to a maximum time period not to exceed 24
20 months after the date the child was originally removed from
21 physical custody of his or her parent or guardian if it is shown, at
22 the hearing held pursuant to subdivision (b) of Section 366.22,
23 that the permanent plan for the child is that he or she will be
24 returned and safely maintained in the home within the extended
25 time period. The court shall extend the time period only if it finds
26 that it is in the child's best interest to have the time period extended
27 and that there is a substantial probability that the child will be
28 returned to the physical custody of his or her parent or guardian
29 who is described in subdivision (b) of Section 366.22 within the
30 extended time period, or that reasonable services have not been
31 provided to the parent or guardian. If the court extends the time
32 period, the court shall specify the factual basis for its conclusion
33 that there is a substantial probability that the child will be returned
34 to the physical custody of his or her parent or guardian within the
35 extended time period. The court also shall make findings pursuant
36 to subdivision (a) of Section 366 and subdivision (e) of Section
37 358.1.

38 ~~When~~

39 (B) *When* counseling or other treatment services are ordered,
40 the parent or guardian shall be ordered to participate in those

1 services, in order for substantial probability to be found. Physical
2 custody of the child by the parents or guardians during the
3 applicable time period under subparagraph (A), (B), or (C) of
4 paragraph (1) shall not serve to interrupt the running of the time
5 period. If at the end of the applicable time period, the child cannot
6 be safely returned to the care and custody of a parent or guardian
7 without court supervision, but the child clearly desires contact with
8 the parent or guardian, the court shall take the child's desire into
9 account in devising a permanency plan.

10 ~~Except~~

11 (C) *Except* in cases where, pursuant to subdivision (b), the court
12 does not order reunification services, the court shall inform the
13 parent or parents of Section 366.26 and shall specify that the
14 parent's or parents' parental rights may be terminated.

15 (b) Reunification services need not be provided to a parent or
16 guardian described in this subdivision when the court finds, by
17 clear and convincing evidence, any of the following:

18 (1) That the whereabouts of the parent or guardian ~~is~~ *are*
19 unknown. A finding pursuant to this paragraph shall be supported
20 by an affidavit or by proof that a reasonably diligent search has
21 failed to locate the parent or guardian. The posting or publication
22 of notices is not required in that search.

23 (2) That the parent or guardian is suffering from a mental
24 disability that is described in Chapter 2 (commencing with Section
25 7820) of Part 4 of Division 12 of the Family Code and that renders
26 him or her incapable of utilizing those services.

27 (3) That the child or a sibling of the child has been previously
28 adjudicated a dependent pursuant to any subdivision of Section
29 300 as a result of physical or sexual abuse, that following that
30 adjudication the child had been removed from the custody of his
31 or her parent or guardian pursuant to Section 361, that the child
32 has been returned to the custody of the parent or guardian from
33 whom the child had been taken originally, and that the child is
34 being removed pursuant to Section 361, due to additional physical
35 or sexual abuse.

36 (4) That the parent or guardian of the child has caused the death
37 of another child through abuse or neglect.

38 (5) That the child was brought within the jurisdiction of the
39 court under subdivision (e) of Section 300 because of the conduct
40 of that parent or guardian.

1 (6) (A) That the child has been adjudicated a dependent
2 pursuant to any subdivision of Section 300 as a result of severe
3 sexual abuse or the infliction of severe physical harm to the child,
4 a sibling, or a half sibling by a parent or guardian, as defined in
5 this subdivision, and the court makes a factual finding that it would
6 not benefit the child to pursue reunification services with the
7 offending parent or guardian.

8 ~~A~~

9 (B) A finding of severe sexual abuse, for the purposes of this
10 subdivision, may be based on, but is not limited to, sexual
11 intercourse, or stimulation involving genital-genital, oral-genital,
12 anal-genital, or oral-anal contact, whether between the parent or
13 guardian and the child or a sibling or half sibling of the child, or
14 between the child or a sibling or half sibling of the child and
15 another person or animal with the actual or implied consent of the
16 parent or guardian; or the penetration or manipulation of the
17 child's, sibling's, or half sibling's genital organs or rectum by any
18 animate or inanimate object for the sexual gratification of the
19 parent or guardian, or for the sexual gratification of another person
20 with the actual or implied consent of the parent or guardian.

21 ~~A~~

22 (C) A finding of the infliction of severe physical harm, for the
23 purposes of this subdivision, may be based on, but is not limited
24 to, deliberate and serious injury inflicted to or on a child's body
25 or the body of a sibling or half sibling of the child by an act or
26 omission of the parent or guardian, or of another individual or
27 animal with the consent of the parent or guardian; deliberate and
28 torturous confinement of the child, sibling, or half sibling in a
29 closed space; or any other torturous act or omission that would be
30 reasonably understood to cause serious emotional damage.

31 (7) That the parent is not receiving reunification services for a
32 sibling or a half sibling of the child pursuant to paragraph (3), (5),
33 or (6).

34 (8) That the child was conceived by means of the commission
35 of an offense listed in Section 288 or 288.5 of the Penal Code, or
36 by an act committed outside of this state that, if committed in this
37 state, would constitute one of those offenses. This paragraph only
38 applies to the parent who committed the offense or act.

39 (9) That the child has been found to be a child described in
40 subdivision (g) of Section 300; that the parent or guardian of the

1 child willfully abandoned the child, and the court finds that the
2 abandonment itself constituted a serious danger to the child; or
3 that the parent or other person having custody of the child
4 voluntarily surrendered physical custody of the child pursuant to
5 Section 1255.7 of the Health and Safety Code. For the purposes
6 of this paragraph, “serious danger” means that without the
7 intervention of another person or agency, the child would have
8 sustained severe or permanent disability, injury, illness, or death.
9 For purposes of this paragraph, “willful abandonment” shall not
10 be construed as actions taken in good faith by the parent without
11 the intent of placing the child in serious danger.

12 (10) That the court ordered termination of reunification services
13 for any siblings or half siblings of the child because the parent or
14 guardian failed to reunify with the sibling or half sibling after the
15 sibling or half sibling had been removed from that parent or
16 guardian pursuant to Section 361 and that parent or guardian is
17 the same parent or guardian described in subdivision (a) and that,
18 according to the findings of the court, this parent or guardian has
19 not subsequently made a reasonable effort to treat the problems
20 that led to removal of the sibling or half sibling of that child from
21 that parent or guardian.

22 (11) That the parental rights of a parent over any sibling or half
23 sibling of the child had been permanently severed, and this parent
24 is the same parent described in subdivision (a), and that, according
25 to the findings of the court, this parent has not subsequently made
26 a reasonable effort to treat the problems that led to removal of the
27 sibling or half sibling of that child from the parent.

28 (12) That the parent or guardian of the child has been convicted
29 of a violent felony, as defined in subdivision (c) of Section 667.5
30 of the Penal Code.

31 (13) That the parent or guardian of the child has a history of
32 extensive, abusive, and chronic use of drugs or alcohol and has
33 resisted prior court-ordered treatment for this problem during a
34 three-year period immediately prior to the filing of the petition
35 that brought that child to the court’s attention, or has failed or
36 refused to comply with a program of drug or alcohol treatment
37 described in the case plan required by Section 358.1 on at least
38 two prior occasions, even though the programs identified were
39 available and accessible.

1 (14) (A) That the parent or guardian of the child has advised
2 the court that he or she is not interested in receiving family
3 maintenance or family reunification services or having the child
4 returned to or placed in his or her custody and does not wish to
5 receive family maintenance or reunification services.

6 ~~The~~

7 (B) *The* parent or guardian shall be represented by counsel and
8 shall execute a waiver of services form to be adopted by the
9 Judicial Council. The court shall advise the parent or guardian of
10 any right to services and of the possible consequences of a waiver
11 of services, including the termination of parental rights and
12 placement of the child for adoption. The court shall not accept the
13 waiver of services unless it states on the record its finding that the
14 parent or guardian has knowingly and intelligently waived the
15 right to services.

16 (15) That the parent or guardian has on one or more occasions
17 willfully abducted the child or child's sibling or half sibling from
18 his or her placement and refused to disclose the child's or child's
19 sibling's or half sibling's whereabouts, refused to return physical
20 custody of the child or child's sibling or half sibling to his or her
21 placement, or refused to return physical custody of the child or
22 child's sibling or half sibling to the social worker.

23 (16) That the parent or guardian has been required by the court
24 to be registered on a sex offender registry under the federal Adam
25 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
26 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
27 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
28 Sec. 5106a(2)(B)(xvi)(VI)).

29 (17) *That the parent or guardian knowingly participated in, or*
30 *permitted, the sexual exploitation, as described in subdivision (c)*
31 *or (d) of Section 11165.1 of, or subdivision (c) of Section 236.1*
32 *of, the Penal Code, of the child. This shall not include instances*
33 *in which the parent or guardian demonstrated by a preponderance*
34 *of the evidence that he or she was coerced into permitting, or*
35 *participating in, the sexual exploitation of the child.*

36 (c) (1) In deciding whether to order reunification in any case
37 in which this section applies, the court shall hold a dispositional
38 hearing. The social worker shall prepare a report that discusses
39 whether reunification services shall be provided. When it is alleged,
40 pursuant to paragraph (2) of subdivision (b), that the parent is

1 incapable of utilizing services due to mental disability, the court
2 shall order reunification services unless competent evidence from
3 mental health professionals establishes that, even with the provision
4 of services, the parent is unlikely to be capable of adequately caring
5 for the child within the time limits specified in subdivision (a).

6 ~~The~~

7 (2) *The* court shall not order reunification for a parent or
8 guardian described in paragraph (3), (4), (6), (7), (8), (9), (10),
9 (11), (12), (13), (14), (15), ~~or (16) (16), or (17)~~ of subdivision (b)
10 unless the court finds, by clear and convincing evidence, that
11 reunification is in the best interest of the child.

12 ~~In~~

13 (3) *In* addition, the court shall not order reunification in any
14 situation described in paragraph (5) of subdivision (b) unless it
15 finds that, based on competent testimony, those services are likely
16 to prevent reabuse or continued neglect of the child or that failure
17 to try reunification will be detrimental to the child because the
18 child is closely and positively attached to that parent. The social
19 worker shall investigate the circumstances leading to the removal
20 of the child and advise the court whether there are circumstances
21 that indicate that reunification is likely to be successful or
22 unsuccessful and whether failure to order reunification is likely to
23 be detrimental to the child.

24 ~~The~~

25 (4) *The* failure of the parent to respond to previous services, the
26 fact that the child was abused while the parent was under the
27 influence of drugs or alcohol, a past history of violent behavior,
28 or testimony by a competent professional that the parent's behavior
29 is unlikely to be changed by services are among the factors
30 indicating that reunification services are unlikely to be successful.
31 The fact that a parent or guardian is no longer living with an
32 individual who severely abused the child may be considered in
33 deciding that reunification services are likely to be successful,
34 provided that the court shall consider any pattern of behavior on
35 the part of the parent that has exposed the child to repeated abuse.

36 (d) If reunification services are not ordered pursuant to
37 paragraph (1) of subdivision (b) and the whereabouts of a parent
38 become known within six months of the out-of-home placement
39 of the child, the court shall order the social worker to provide
40 family reunification services in accordance with this subdivision.

(e) (1) If the parent or guardian is incarcerated, institutionalized, or detained by the United States Department of Homeland Security, or has been deported to his or her country of origin, the court shall order reasonable services unless the court determines, by clear and convincing evidence, those services would be detrimental to the child. In determining detriment, the court shall consider the age of the child, the degree of parent-child bonding, the length of the sentence, the length and nature of the treatment, the nature of the crime or illness, the degree of detriment to the child if services are not offered and, for children 10 years of age or older, the child's attitude toward the implementation of family reunification services, the likelihood of the parent's discharge from incarceration, institutionalization, or detention within the reunification time limitations described in subdivision (a), and any other appropriate factors. In determining the content of reasonable services, the court shall consider the particular barriers to an incarcerated, institutionalized, detained, or deported parent's access to those court-mandated services and ability to maintain contact with his or her child, and shall document this information in the child's case plan. Reunification services are subject to the applicable time limitations imposed in subdivision (a). Services may include, but shall not be limited to, all of the following:

(A) Maintaining contact between the parent and child through collect telephone calls.

(B) Transportation services, ~~where~~ *when* appropriate.

(C) Visitation services, ~~where~~ *when* appropriate.

(D) (i) Reasonable services to extended family members or foster parents providing care for the child if the services are not detrimental to the child.

~~An~~

(ii) An incarcerated or detained parent may be required to attend counseling, parenting classes, or vocational training programs as part of the reunification service plan if actual access to these services is provided. The social worker shall document in the child's case plan the particular barriers to an incarcerated, institutionalized, or detained parent's access to those court-mandated services and ability to maintain contact with his or her child.

(E) Reasonable efforts to assist parents who have been deported to contact child welfare authorities in their country of origin, to

1 identify any available services that would substantially comply
2 with case plan requirements, to document the parents' participation
3 in those services, and to accept reports from local child welfare
4 authorities as to the parents' living situation, progress, and
5 participation in services.

6 (2) The presiding judge of the juvenile court of each county
7 may convene representatives of the county welfare department,
8 the sheriff's department, and other appropriate entities for the
9 purpose of developing and entering into protocols for ensuring the
10 notification, transportation, and presence of an incarcerated or
11 institutionalized parent at all court hearings involving proceedings
12 affecting the child pursuant to Section 2625 of the Penal Code.
13 The county welfare department shall utilize the prisoner locator
14 system developed by the Department of Corrections and
15 Rehabilitation to facilitate timely and effective notice of hearings
16 for incarcerated parents.

17 (3) Notwithstanding any other ~~provision~~ of law, if the
18 incarcerated parent is a woman seeking to participate in the
19 community treatment program operated by the Department of
20 Corrections and Rehabilitation pursuant to Chapter 4.8
21 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
22 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
23 Code, the court shall determine whether the parent's participation
24 in a program is in the child's best interest and whether it is suitable
25 to meet the needs of the parent and child.

26 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
27 (8), (9), (10), (11), (12), (13), (14), (15), ~~or (16) (16)~~, or (17) of
28 subdivision (b) or paragraph (1) of subdivision (e), does not order
29 reunification services, it shall, at the dispositional hearing, that
30 shall include a permanency hearing, determine if a hearing under
31 Section 366.26 shall be set in order to determine whether adoption,
32 guardianship, ~~or long-term foster care, or placement with a fit and~~
33 *willing relative, or another planned permanent living arrangement,*
34 *or*, in the case of an Indian child, in consultation with the child's
35 tribe, tribal customary adoption, is the most appropriate plan for
36 the child, and shall consider in-state and out-of-state placement
37 options. If the court so determines, it shall conduct the hearing
38 pursuant to Section 366.26 within 120 days after the dispositional
39 hearing. However, the court shall not schedule a hearing so long
40 as the other parent is being provided reunification services pursuant

1 to subdivision (a). The court may continue to permit the parent to
2 visit the child unless it finds that visitation would be detrimental
3 to the child.

4 (g) (1) Whenever a court orders that a hearing shall be held
5 pursuant to Section 366.26, including, when, in consultation with
6 the child's tribe, tribal customary adoption is recommended, it
7 shall direct the agency supervising the child and the county
8 adoption agency, or the State Department of Social Services when
9 it is acting as an adoption agency, to prepare an assessment that
10 shall include:

11 (A) Current search efforts for an absent parent or parents and
12 notification of a noncustodial parent in the manner provided for
13 in Section 291.

14 (B) A review of the amount of and nature of any contact between
15 the child and his or her parents and other members of his or her
16 extended family since the time of placement. Although the
17 extended family of each child shall be reviewed on a case-by-case
18 basis, "extended family" for the purpose of this subparagraph shall
19 include, but not be limited to, the child's siblings, grandparents,
20 aunts, and uncles.

21 (C) An evaluation of the child's medical, developmental,
22 scholastic, mental, and emotional status.

23 (D) A preliminary assessment of the eligibility and commitment
24 of any identified prospective adoptive parent or guardian, including
25 a prospective tribal customary adoptive parent, particularly the
26 caretaker, to include a social history, including screening for
27 criminal records and prior referrals for child abuse or neglect, the
28 capability to meet the child's needs, and the understanding of the
29 legal and financial rights and responsibilities of adoption and
30 guardianship. If a proposed guardian is a relative of the minor, the
31 assessment shall also consider, but need not be limited to, all of
32 the factors specified in subdivision (a) of Section 361.3 and in
33 Section 361.4. As used in this subparagraph, "relative" means an
34 adult who is related to the minor by blood, adoption, or affinity
35 within the fifth degree of kinship, including stepparents,
36 stepsiblings, and all relatives whose status is preceded by the words
37 "great," "great-great," or "grand," or the spouse of any of those
38 persons even if the marriage was terminated by death or
39 dissolution. If the proposed permanent plan is guardianship with
40 an approved relative caregiver for a minor eligible for aid under

1 the Kin-GAP Program, as provided for in Article 4.7 (commencing
2 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
3 as used in this section has the same meaning as “relative” as
4 defined in subdivision (c) of Section 11391.

5 (E) The relationship of the child to any identified prospective
6 adoptive parent or guardian, including a prospective tribal
7 customary parent, the duration and character of the relationship,
8 the degree of attachment of the child to the prospective relative
9 guardian or adoptive parent, the relative’s or adoptive parent’s
10 strong commitment to caring permanently for the child, the
11 motivation for seeking adoption or guardianship, a statement from
12 the child concerning placement and the adoption or guardianship,
13 and whether the child over 12 years of age has been consulted
14 about the proposed relative guardianship arrangements, unless the
15 child’s age or physical, emotional, or other condition precludes
16 his or her meaningful response, and if so, a description of the
17 condition.

18 (F) An analysis of the likelihood that the child will be adopted
19 if parental rights are terminated.

20 (G) In the case of an Indian child, in addition to subparagraphs
21 (A) to (F), inclusive, an assessment of the likelihood that the child
22 will be adopted, when, in consultation with the child’s tribe, a
23 *tribal* customary adoption, as defined in Section 366.24, is
24 recommended. If tribal customary adoption is recommended, the
25 assessment shall include an analysis of both of the following:

26 (i) Whether tribal customary adoption would or would not be
27 detrimental to the Indian child and the reasons for reaching that
28 conclusion.

29 (ii) Whether the Indian child cannot or should not be returned
30 to the home of the Indian parent or Indian custodian and the reasons
31 for reaching that conclusion.

32 (2) (A) A relative caregiver’s preference for legal guardianship
33 over adoption, if it is due to circumstances that do not include an
34 unwillingness to accept legal or financial responsibility for the
35 child, shall not constitute the sole basis for recommending removal
36 of the child from the relative caregiver for purposes of adoptive
37 placement.

38 (B) Regardless of his or her immigration status, a relative
39 caregiver shall be given information regarding the permanency
40 options of guardianship and adoption, including the long-term

benefits and consequences of each option, prior to establishing legal guardianship or pursuing adoption. If the proposed permanent plan is guardianship with an approved relative caregiver for a minor eligible for aid under the Kin-GAP Program, as provided for in Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, the relative caregiver shall be informed about the terms and conditions of the negotiated agreement pursuant to Section 11387 and shall agree to its execution prior to the hearing held pursuant to Section 366.26. A copy of the executed negotiated agreement shall be attached to the assessment.

(h) If, at any hearing held pursuant to Section 366.26, a guardianship is established for the minor with an approved relative caregiver and juvenile court dependency is subsequently dismissed, the minor shall be eligible for aid under the Kin-GAP Program as provided for in Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section ~~11385~~ 11385), *as applicable*, of Chapter 2 of Part 3 of Division 9, ~~as applicable~~. 9.

(i) In determining whether reunification services will benefit the child pursuant to paragraph (6) or (7) of subdivision (b), the court shall consider any information it deems relevant, including the following factors:

(1) The specific act or omission comprising the severe sexual abuse or the severe physical harm inflicted on the child or the child's sibling or half sibling.

(2) The circumstances under which the abuse or harm was inflicted on the child or the child's sibling or half sibling.

(3) The severity of the emotional trauma suffered by the child or the child's sibling or half sibling.

(4) Any history of abuse of other children by the offending parent or guardian.

(5) The likelihood that the child may be safely returned to the care of the offending parent or guardian within 12 months with no continuing supervision.

(6) Whether or not the child desires to be reunified with the offending parent or guardian.

(j) When the court determines that reunification services will not be ordered, it shall order that the child's caregiver receive the child's birth certificate in accordance with Sections 16010.4 and 16010.5. Additionally, when the court determines that reunification services will not be ordered, it shall order, when appropriate, that

1 a child who is 16 years of age or older receive his or her birth
2 certificate.

3 (k) The court shall read into the record the basis for a finding
4 of severe sexual abuse or the infliction of severe physical harm
5 under paragraph (6) of subdivision (b), and shall also specify the
6 factual findings used to determine that the provision of
7 reunification services to the offending parent or guardian would
8 not benefit the child.

9 SEC. 75. Section 366.26 of the Welfare and Institutions Code
10 is amended to read:

11 366.26. (a) This section applies to children who are adjudged
12 dependent children of the juvenile court pursuant to subdivision
13 (d) of Section 360. The procedures specified herein are the
14 exclusive procedures for conducting these hearings; Part 2
15 (commencing with Section 3020) of Division 8 of the Family Code
16 is not applicable to these proceedings. Section 8616.5 of the Family
17 Code is applicable and available to all dependent children meeting
18 the requirements of that section, if the postadoption contact
19 agreement has been entered into voluntarily. For children who are
20 adjudged dependent children of the juvenile court pursuant to
21 subdivision (d) of Section 360, this section and Sections 8604,
22 8605, 8606, and 8700 of the Family Code and Chapter 5
23 (commencing with Section 7660) of Part 3 of Division 12 of the
24 Family Code specify the exclusive procedures for permanently
25 terminating parental rights with regard to, or establishing legal
26 guardianship of, the child while the child is a dependent child of
27 the juvenile court.

28 (b) At the hearing, which shall be held in juvenile court for all
29 children who are dependents of the juvenile court, the court, in
30 order to provide stable, permanent homes for these children, shall
31 review the report as specified in Section 361.5, 366.21, 366.22, or
32 366.25, shall indicate that the court has read and considered it,
33 shall receive other evidence that the parties may present, and then
34 shall make findings and orders in the following order of preference:

35 (1) Terminate the rights of the parent or parents and order that
36 the child be placed for adoption and, upon the filing of a petition
37 for adoption in the juvenile court, order that a hearing be set. The
38 court shall proceed with the adoption after the appellate rights of
39 the natural parents have been exhausted.

1 (2) Order, without termination of parental rights, the plan of
2 tribal customary adoption, as described in Section 366.24, through
3 tribal custom, traditions, or law of the Indian child's tribe, and
4 upon the court affording the tribal customary adoption order full
5 faith and credit at the continued selection and implementation
6 hearing, order that a hearing be set pursuant to paragraph (2) of
7 subdivision (e).

8 (3) Appoint a relative or relatives with whom the child is
9 currently residing as legal guardian or guardians for the child, and
10 order that letters of guardianship issue.

11 (4) On making a finding under paragraph (3) of subdivision (c),
12 identify adoption or tribal customary adoption as the permanent
13 placement goal and order that efforts be made to locate an
14 appropriate adoptive family for the child within a period not to
15 exceed 180 days.

16 (5) Appoint a nonrelative legal guardian for the child and order
17 that letters of guardianship issue.

18 (6) Order that the child be permanently placed with a fit and
19 willing relative, subject to the periodic review of the juvenile court
20 under Section 366.3.

21 (7) Order that the child remain in foster care, subject to the
22 conditions described in paragraph (4) of subdivision (c) and the
23 periodic review of the juvenile court under Section 366.3.

24 In choosing among the above alternatives the court shall proceed
25 pursuant to subdivision (c).

26 (c) (1) If the court determines, based on the assessment provided
27 as ordered under subdivision (i) of Section 366.21, subdivision (b)
28 of Section 366.22, or subdivision (b) of Section 366.25, and any
29 other relevant evidence, by a clear and convincing standard, that
30 it is likely the child will be adopted, the court shall terminate
31 parental rights and order the child placed for adoption. The fact
32 that the child is not yet placed in a preadoptive home nor with a
33 relative or foster family who is prepared to adopt the child, shall
34 not constitute a basis for the court to conclude that it is not likely
35 the child will be adopted. A finding under subdivision (b) or
36 paragraph (1) of subdivision (e) of Section 361.5 that reunification
37 services shall not be offered, under subdivision (e) of Section
38 366.21 that the whereabouts of a parent have been unknown for
39 six months or that the parent has failed to visit or contact the child
40 for six months, or that the parent has been convicted of a felony

1 indicating parental unfitness, or, under Section 366.21 or 366.22,
2 that the court has continued to remove the child from the custody
3 of the parent or guardian and has terminated reunification services,
4 shall constitute a sufficient basis for termination of parental rights.
5 Under these circumstances, the court shall terminate parental rights
6 unless either of the following applies:

7 (A) The child is living with a relative who is unable or unwilling
8 to adopt the child because of circumstances that do not include an
9 unwillingness to accept legal or financial responsibility for the
10 child, but who is willing and capable of providing the child with
11 a stable and permanent environment through legal guardianship,
12 and the removal of the child from the custody of his or her relative
13 would be detrimental to the emotional well-being of the child. For
14 purposes of an Indian child, “relative” shall include an “extended
15 family member,” as defined in the federal Indian Child Welfare
16 Act of 1978 (25 U.S.C. Sec. 1903(2)).

17 (B) The court finds a compelling reason for determining that
18 termination would be detrimental to the child due to one or more
19 of the following circumstances:

20 (i) The parents have maintained regular visitation and contact
21 with the child and the child would benefit from continuing the
22 relationship.

23 (ii) A child 12 years of age or older objects to termination of
24 parental rights.

25 (iii) The child is placed in a residential treatment facility,
26 adoption is unlikely or undesirable, and continuation of parental
27 rights will not prevent finding the child a permanent family
28 placement if the parents cannot resume custody when residential
29 care is no longer needed.

30 (iv) The child is living with a foster parent or Indian custodian
31 who is unable or unwilling to adopt the child because of
32 exceptional circumstances, that do not include an unwillingness
33 to accept legal or financial responsibility for the child, but who is
34 willing and capable of providing the child with a stable and
35 permanent environment and the removal of the child from the
36 physical custody of his or her foster parent or Indian custodian
37 would be detrimental to the emotional well-being of the child. This
38 clause does not apply to any child who is either (I) under six years
39 of age or (II) a member of a sibling group where at least one child

1 is under six years of age and the siblings are, or should be,
2 permanently placed together.

3 (v) There would be substantial interference with a child's sibling
4 relationship, taking into consideration the nature and extent of the
5 relationship, including, but not limited to, whether the child was
6 raised with a sibling in the same home, whether the child shared
7 significant common experiences or has existing close and strong
8 bonds with a sibling, and whether ongoing contact is in the child's
9 best interest, including the child's long-term emotional interest,
10 as compared to the benefit of legal permanence through adoption.

11 (vi) The child is an Indian child and there is a compelling reason
12 for determining that termination of parental rights would not be
13 in the best interest of the child, including, but not limited to:

14 (I) Termination of parental rights would substantially interfere
15 with the child's connection to his or her tribal community or the
16 child's tribal membership rights.

17 (II) The child's tribe has identified guardianship, foster care
18 with a fit and willing relative, tribal customary adoption, or another
19 planned permanent living arrangement for the child.

20 (III) The child is a nonminor dependent, and the nonminor and
21 the nonminor's tribe have identified tribal customary adoption for
22 the nonminor.

23 (C) For purposes of subparagraph (B), in the case of tribal
24 customary adoptions, Section 366.24 shall apply.

25 (D) If the court finds that termination of parental rights would
26 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),
27 (v), or (vi), it shall state its reasons in writing or on the record.

28 (2) The court shall not terminate parental rights if:

29 (A) At each hearing at which the court was required to consider
30 reasonable efforts or services, the court has found that reasonable
31 efforts were not made or that reasonable services were not offered
32 or provided.

33 (B) In the case of an Indian child:

34 (i) At the hearing terminating parental rights, the court has found
35 that active efforts were not made as required in Section 361.7.

36 (ii) The court does not make a determination at the hearing
37 terminating parental rights, supported by evidence beyond a
38 reasonable doubt, including testimony of one or more "qualified
39 expert witnesses" as defined in Section 224.6, that the continued

1 custody of the child by the parent is likely to result in serious
2 emotional or physical damage to the child.

3 (iii) The court has ordered tribal customary adoption pursuant
4 to Section 366.24.

5 (3) If the court finds that termination of parental rights would
6 not be detrimental to the child pursuant to paragraph (1) and that
7 the child has a probability for adoption but is difficult to place for
8 adoption and there is no identified or available prospective adoptive
9 parent, the court may identify adoption as the permanent placement
10 goal and, without terminating parental rights, order that efforts be
11 made to locate an appropriate adoptive family for the child, within
12 the state or out of the state, within a period not to exceed 180 days.
13 During this 180-day period, the public agency responsible for
14 seeking adoptive parents for each child shall, to the extent possible,
15 ask each child who is 10 years of age or older to identify any
16 individuals, other than the child's siblings, who are important to
17 the child, in order to identify potential adoptive parents. The public
18 agency may ask any other child to provide that information, as
19 appropriate. During the 180-day period, the public agency shall,
20 to the extent possible, contact other private and public adoption
21 agencies regarding the availability of the child for adoption. During
22 the 180-day period, the public agency shall conduct the search for
23 adoptive parents in the same manner as prescribed for children in
24 Sections 8708 and 8709 of the Family Code. At the expiration of
25 this period, another hearing shall be held and the court shall
26 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision
27 (b). For purposes of this section, a child may only be found to be
28 difficult to place for adoption if there is no identified or available
29 prospective adoptive parent for the child because of the child's
30 membership in a sibling group, or the presence of a diagnosed
31 medical, physical, or mental handicap, or the child is seven years
32 of age or older.

33 (4) (A) If the court finds that adoption of the child or
34 termination of parental rights is not in the best interest of the child,
35 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or
36 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)
37 applies, the court shall order that the present caretakers or other
38 appropriate persons shall become legal guardians of the child, or,
39 in the case of an Indian child, consider a tribal customary adoption
40 pursuant to Section 366.24. Legal guardianship shall be considered

1 before continuing the child in foster care under any other permanent
2 plan, if it is in the best interests of the child and if a suitable
3 guardian can be found. If the child continues in foster care, the
4 court shall make factual findings identifying any barriers to
5 achieving adoption, tribal customary adoption in the case of an
6 Indian child, legal guardianship, or placement with a fit and willing
7 relative as of the date of the hearing. A child who is 10 years of
8 age or older, shall be asked to identify any individuals, other than
9 the child's siblings, who are important to the child, in order to
10 identify potential guardians or, in the case of an Indian child,
11 prospective tribal customary adoptive parents. The agency may
12 ask any other child to provide that information, as appropriate.

13 (B) (i) If the child is living with an approved relative who is
14 willing and capable of providing a stable and permanent
15 environment, but not willing to become a legal guardian as of the
16 hearing date, the court shall order a permanent plan of placement
17 with a fit and willing relative, and the child shall not be removed
18 from the home if the court finds the removal would be seriously
19 detrimental to the emotional well-being of the child because the
20 child has substantial psychological ties to the relative caretaker.

21 (ii) If the child is living with a nonrelative caregiver who is
22 willing and capable of providing a stable and permanent
23 environment, but not willing to become a legal guardian as of the
24 hearing date, the court shall order that the child remain in foster
25 care with a permanent plan of return home, adoption, legal
26 guardianship, or placement with a fit and willing relative, as
27 appropriate. If the child is 16 years of age or older, or a nonminor
28 dependent, and no other permanent plan is appropriate at the time
29 of the hearing, the court may order another planned permanent
30 living arrangement, as described in paragraph (2) of subdivision
31 (i) of Section 16501. Regardless of the age of the child, the child
32 shall not be removed from the home if the court finds the removal
33 would be seriously detrimental to the emotional well-being of the
34 child because the child has substantial psychological ties to the
35 caregiver.

36 (iii) If the child is living in a group home or, on or after January
37 1, 2017, a short-term residential therapeutic program, the court
38 shall order that the child remain in foster care with a permanent
39 plan of return home, adoption, tribal customary adoption in the
40 case of an Indian child, legal guardianship, or placement with a

1 fit and willing relative, as appropriate. If the child is 16 years of
2 age or older, or a nonminor dependent, and no other permanent
3 plan is appropriate at the time of the hearing, the court may order
4 another planned permanent living arrangement, as described in
5 paragraph (2) of subdivision (i) of Section 16501.

6 (C) The court shall also make an order for visitation with the
7 parents or guardians unless the court finds by a preponderance of
8 the evidence that the visitation would be detrimental to the physical
9 or emotional well-being of the child.

10 (5) If the court finds that the child should not be placed for
11 adoption, that legal guardianship shall not be established, that
12 placement with a fit and willing relative is not appropriate as of
13 the hearing date, and that there are no suitable foster parents except
14 certified family homes or resource families of a foster family
15 agency available to provide the child with a stable and permanent
16 environment, the court may order the care, custody, and control
17 of the child transferred from the county welfare department to a
18 licensed foster family agency. The court shall consider the written
19 recommendation of the county welfare director regarding the
20 suitability of the transfer. The transfer shall be subject to further
21 court orders.

22 The licensed foster family agency shall place the child in a
23 suitable licensed or certified family home that has been certified
24 by the agency as meeting licensing standards or with a resource
25 family approved by the agency. The licensed foster family agency
26 shall be responsible for supporting the child and providing
27 appropriate services to the child, including those services ordered
28 by the court. Responsibility for the support of the child shall not,
29 in and of itself, create liability on the part of the foster family
30 agency to third persons injured by the child. Those children whose
31 care, custody, and control are transferred to a foster family agency
32 shall not be eligible for foster care maintenance payments or child
33 welfare services, except for emergency response services pursuant
34 to Section 16504.

35 (d) The proceeding for the appointment of a guardian for a child
36 who is a dependent of the juvenile court shall be in the juvenile
37 court. If the court finds pursuant to this section that legal
38 guardianship is the appropriate permanent plan, it shall appoint
39 the legal guardian and issue letters of guardianship. The assessment
40 prepared pursuant to subdivision (g) of Section 361.5, subdivision

1 (i) of Section 366.21, subdivision (b) of Section 366.22, and
2 subdivision (b) of Section 366.25 shall be read and considered by
3 the court prior to the appointment, and this shall be reflected in
4 the minutes of the court. The person preparing the assessment may
5 be called and examined by any party to the proceeding.

6 (e) (1) The proceeding for the adoption of a child who is a
7 dependent of the juvenile court shall be in the juvenile court if the
8 court finds pursuant to this section that adoption is the appropriate
9 permanent plan and the petition for adoption is filed in the juvenile
10 court. Upon the filing of a petition for adoption, the juvenile court
11 shall order that an adoption hearing be set. The court shall proceed
12 with the adoption after the appellate rights of the natural parents
13 have been exhausted. The full report required by Section 8715 of
14 the Family Code shall be read and considered by the court prior
15 to the adoption and this shall be reflected in the minutes of the
16 court. The person preparing the report may be called and examined
17 by any party to the proceeding. It is the intent of the Legislature,
18 pursuant to this subdivision, to give potential adoptive parents the
19 option of filing in the juvenile court the petition for the adoption
20 of a child who is a dependent of the juvenile court. Nothing in this
21 section is intended to prevent the filing of a petition for adoption
22 in any other court as permitted by law, instead of in the juvenile
23 court.

24 (2) In the case of an Indian child, if the Indian child's tribe has
25 elected a permanent plan of tribal customary adoption, the court,
26 upon receiving the tribal customary adoption order will afford the
27 tribal customary adoption order full faith and credit to the same
28 extent that the court would afford full faith and credit to the public
29 acts, records, judicial proceedings, and judgments of any other
30 entity. Upon a determination that the tribal customary adoption
31 order may be afforded full faith and credit, consistent with Section
32 224.5, the court shall thereafter order a hearing to finalize the
33 adoption be set upon the filing of the adoption petition. The
34 prospective tribal customary adoptive parents and the child who
35 is the subject of the tribal customary adoption petition shall appear
36 before the court for the finalization hearing. The court shall
37 thereafter issue an order of adoption pursuant to Section 366.24.

38 (3) If a child who is the subject of a finalized tribal customary
39 adoption shows evidence of a developmental disability or mental
40 illness as a result of conditions existing before the tribal customary

1 adoption to the extent that the child cannot be relinquished to a
2 licensed adoption agency on the grounds that the child is considered
3 unadoptable, and of which condition the tribal customary adoptive
4 parent or parents had no knowledge or notice before the entry of
5 the tribal customary adoption order, a petition setting forth those
6 facts may be filed by the tribal customary adoptive parent or
7 parents with the juvenile court that granted the tribal customary
8 adoption petition. If these facts are proved to the satisfaction of
9 the juvenile court, it may make an order setting aside the tribal
10 customary adoption order. The set-aside petition shall be filed
11 within five years of the issuance of the tribal customary adoption
12 order. The court clerk shall immediately notify the child's tribe
13 and the department in Sacramento of the petition within 60 days
14 after the notice of filing of the petition. The department shall file
15 a full report with the court and shall appear before the court for
16 the purpose of representing the child. Whenever a final decree of
17 tribal customary adoption has been vacated or set aside, the child
18 shall be returned to the custody of the county in which the
19 proceeding for tribal customary adoption was finalized. The
20 biological parent or parents of the child may petition for return of
21 custody. The disposition of the child after the court has entered an
22 order to set aside a tribal customary adoption shall include
23 consultation with the child's tribe.

24 (f) At the beginning of any proceeding pursuant to this section,
25 if the child or the parents are not being represented by previously
26 retained or appointed counsel, the court shall proceed as follows:

27 (1) In accordance with subdivision (c) of Section 317, if a child
28 before the court is without counsel, the court shall appoint counsel
29 unless the court finds that the child would not benefit from the
30 appointment of counsel. The court shall state on the record its
31 reasons for that finding.

32 (2) If a parent appears without counsel and is unable to afford
33 counsel, the court shall appoint counsel for the parent, unless this
34 representation is knowingly and intelligently waived. The same
35 counsel shall not be appointed to represent both the child and his
36 or her parent. The public defender or private counsel may be
37 appointed as counsel for the parent.

38 (3) Private counsel appointed under this section shall receive a
39 reasonable sum for compensation and expenses, the amount of
40 which shall be determined by the court. The amount shall be paid

1 by the real parties in interest, other than the child, in any
2 proportions the court deems just. However, if the court finds that
3 any of the real parties in interest are unable to afford counsel, the
4 amount shall be paid out of the general fund of the county.

5 (g) The court may continue the proceeding for a period of time
6 not to exceed 30 days as necessary to appoint counsel, and to
7 enable counsel to become acquainted with the case.

8 (h) (1) At all proceedings under this section, the court shall
9 consider the wishes of the child and shall act in the best interests
10 of the child.

11 (2) In accordance with Section 349, the child shall be present
12 in court if the child or the child's counsel so requests or the court
13 so orders. If the child is 10 years of age or older and is not present
14 at a hearing held pursuant to this section, the court shall determine
15 whether the minor was properly notified of his or her right to attend
16 the hearing and inquire as to the reason why the child is not present.

17 (3) (A) The testimony of the child may be taken in chambers
18 and outside the presence of the child's parent or parents, if the
19 child's parent or parents are represented by counsel, the counsel
20 is present, and any of the following circumstances exist:

21 (i) The court determines that testimony in chambers is necessary
22 to ensure truthful testimony.

23 (ii) The child is likely to be intimidated by a formal courtroom
24 setting.

25 (iii) The child is afraid to testify in front of his or her parent or
26 parents.

27 (B) After testimony in chambers, the parent or parents of the
28 child may elect to have the court reporter read back the testimony
29 or have the testimony summarized by counsel for the parent or
30 parents.

31 (C) The testimony of a child also may be taken in chambers and
32 outside the presence of the guardian or guardians of a child under
33 the circumstances specified in this subdivision.

34 (i) (1) Any order of the court permanently terminating parental
35 rights under this section shall be conclusive and binding upon the
36 child, upon the parent or parents and, upon all other persons who
37 have been served with citation by publication or otherwise as
38 provided in this chapter. After making the order, the juvenile court
39 shall have no power to set aside, change, or modify it, except as

1 provided in paragraph (2), but nothing in this section shall be
2 construed to limit the right to appeal the order.

3 (2) A tribal customary adoption order evidencing that the Indian
4 child has been the subject of a tribal customary adoption shall be
5 afforded full faith and credit and shall have the same force and
6 effect as an order of adoption authorized by this section. The rights
7 and obligations of the parties as to the matters determined by the
8 Indian child's tribe shall be binding on all parties. A court shall
9 not order compliance with the order absent a finding that the party
10 seeking the enforcement participated, or attempted to participate,
11 in good faith, in family mediation services of the court or dispute
12 resolution through the tribe regarding the conflict, prior to the
13 filing of the enforcement action.

14 (3) A child who has not been adopted after the passage of at
15 least three years from the date the court terminated parental rights
16 and for whom the court has determined that adoption is no longer
17 the permanent plan may petition the juvenile court to reinstate
18 parental rights pursuant to the procedure prescribed by Section
19 388. The child may file the petition prior to the expiration of this
20 three-year period if the State Department of Social Services, county
21 adoption agency, or licensed adoption agency that is responsible
22 for custody and supervision of the child as described in subdivision
23 (j) and the child stipulate that the child is no longer likely to be
24 adopted. A child over 12 years of age shall sign the petition in the
25 absence of a showing of good cause as to why the child could not
26 do so. If it appears that the best interests of the child may be
27 promoted by reinstatement of parental rights, the court shall order
28 that a hearing be held and shall give prior notice, or cause prior
29 notice to be given, to the social worker or probation officer and to
30 the child's attorney of record, or, if there is no attorney of record
31 for the child, to the child, and the child's tribe, if applicable, by
32 means prescribed by subdivision (c) of Section 297. The court
33 shall order the child or the social worker or probation officer to
34 give prior notice of the hearing to the child's former parent or
35 parents whose parental rights were terminated in the manner
36 prescribed by subdivision (f) of Section 294 where the
37 recommendation is adoption. The juvenile court shall grant the
38 petition if it finds by clear and convincing evidence that the child
39 is no longer likely to be adopted and that reinstatement of parental
40 rights is in the child's best interest. If the court reinstates parental

1 rights over a child who is under 12 years of age and for whom the
2 new permanent plan will not be reunification with a parent or legal
3 guardian, the court shall specify the factual basis for its findings
4 that it is in the best interest of the child to reinstate parental rights.

5 This subdivision is intended to be retroactive and applies to any
6 child who is under the jurisdiction of the juvenile court at the time
7 of the hearing regardless of the date parental rights were terminated.

8 (j) If the court, by order or judgment, declares the child free
9 from the custody and control of both parents, or one parent if the
10 other does not have custody and control, or declares the child
11 eligible for tribal customary adoption, the court shall at the same
12 time order the child referred to the State Department of Social
13 Services, county adoption agency, or licensed adoption agency for
14 adoptive placement by the agency. However, except in the case
15 of a tribal customary adoption where there is no termination of
16 parental rights, a petition for adoption may not be granted until
17 the appellate rights of the natural parents have been exhausted.
18 The State Department of Social Services, county adoption agency,
19 or licensed adoption agency shall be responsible for the custody
20 and supervision of the child and shall be entitled to the exclusive
21 care and control of the child at all times until a petition for adoption
22 or tribal customary adoption is granted, except as specified in
23 subdivision (n). With the consent of the agency, the court may
24 appoint a guardian of the child, who shall serve until the child is
25 adopted.

26 (k) Notwithstanding any other law, the application of any person
27 who, as a relative caretaker or foster parent, has cared for a
28 dependent child for whom the court has approved a permanent
29 plan for adoption, or who has been freed for adoption, shall be
30 given preference with respect to that child over all other
31 applications for adoptive placement if the agency making the
32 placement determines that the child has substantial emotional ties
33 to the relative caretaker or foster parent and removal from the
34 relative caretaker or foster parent would be seriously detrimental
35 to the child's emotional well-being.

36 As used in this subdivision, "preference" means that the
37 application shall be processed and, if satisfactory, the family study
38 shall be completed before the processing of the application of any
39 other person for the adoptive placement of the child.

1 (l) (1) An order by the court that a hearing pursuant to this
2 section be held is not appealable at any time unless all of the
3 following apply:

4 (A) A petition for extraordinary writ review was filed in a timely
5 manner.

6 (B) The petition substantively addressed the specific issues to
7 be challenged and supported that challenge by an adequate record.

8 (C) The petition for extraordinary writ review was summarily
9 denied or otherwise not decided on the merits.

10 (2) Failure to file a petition for extraordinary writ review within
11 the period specified by rule, to substantively address the specific
12 issues challenged, or to support that challenge by an adequate
13 record shall preclude subsequent review by appeal of the findings
14 and orders made pursuant to this section.

15 (3) The Judicial Council shall adopt rules of court, effective
16 January 1, 1995, to ensure all of the following:

17 (A) A trial court, after issuance of an order directing a hearing
18 pursuant to this section be held, shall advise all parties of the
19 requirement of filing a petition for extraordinary writ review as
20 set forth in this subdivision in order to preserve any right to appeal
21 in these issues. This notice shall be made orally to a party if the
22 party is present at the time of the making of the order or by
23 first-class mail by the clerk of the court to the last known address
24 of a party not present at the time of the making of the order.

25 (B) The prompt transmittal of the records from the trial court
26 to the appellate court.

27 (C) That adequate time requirements for counsel and court
28 personnel exist to implement the objective of this subdivision.

29 (D) That the parent or guardian, or their trial counsel or other
30 counsel, is charged with the responsibility of filing a petition for
31 extraordinary writ relief pursuant to this subdivision.

32 (4) The intent of this subdivision is to do both of the following:

33 (A) Make every reasonable attempt to achieve a substantive and
34 meritorious review by the appellate court within the time specified
35 in Sections 366.21, 366.22, and 366.25 for holding a hearing
36 pursuant to this section.

37 (B) Encourage the appellate court to determine all writ petitions
38 filed pursuant to this subdivision on their merits.

1 (5) This subdivision shall only apply to cases in which an order
2 to set a hearing pursuant to this section is issued on or after January
3 1, 1995.

4 (m) Except for subdivision (j), this section shall also apply to
5 minors adjudged wards pursuant to Section 727.31.

6 (n) (1) Notwithstanding Section 8704 of the Family Code or
7 any other law, the court, at a hearing held pursuant to this section
8 or anytime thereafter, may designate a current caretaker as a
9 prospective adoptive parent if the child has lived with the caretaker
10 for at least six months, the caretaker currently expresses a
11 commitment to adopt the child, and the caretaker has taken at least
12 one step to facilitate the adoption process. In determining whether
13 to make that designation, the court may take into consideration
14 whether the caretaker is listed in the preliminary assessment
15 prepared by the county department in accordance with subdivision
16 (i) of Section 366.21 as an appropriate person to be considered as
17 an adoptive parent for the child and the recommendation of the
18 State Department of Social Services, county adoption agency, or
19 licensed adoption agency.

20 (2) For purposes of this subdivision, steps to facilitate the
21 adoption process include, but are not limited to, the following:

22 (A) Applying for an adoption homestudy.

23 (B) Cooperating with an adoption homestudy.

24 (C) Being designated by the court or the adoption agency as the
25 adoptive family.

26 (D) Requesting de facto parent status.

27 (E) Signing an adoptive placement agreement.

28 (F) Engaging in discussions regarding a postadoption contact
29 agreement.

30 (G) Working to overcome any impediments that have been
31 identified by the State Department of Social Services, county
32 adoption agency, or licensed adoption agency.

33 (H) Attending classes required of prospective adoptive parents.

34 (3) Prior to a change in placement and as soon as possible after
35 a decision is made to remove a child from the home of a designated
36 prospective adoptive parent, the agency shall notify the court, the
37 designated prospective adoptive parent or the current caretaker, if
38 that caretaker would have met the threshold criteria to be
39 designated as a prospective adoptive parent pursuant to paragraph
40 (1) on the date of service of this notice, the child's attorney, and

1 the child, if the child is 10 years of age or older, of the proposal
2 in the manner described in Section 16010.6.

3 (A) Within five court days or seven calendar days, whichever
4 is longer, of the date of notification, the child, the child's attorney,
5 or the designated prospective adoptive parent may file a petition
6 with the court objecting to the proposal to remove the child, or the
7 court, upon its own motion, may set a hearing regarding the
8 proposal. The court may, for good cause, extend the filing period.
9 A caretaker who would have met the threshold criteria to be
10 designated as a prospective adoptive parent pursuant to paragraph
11 (1) on the date of service of the notice of proposed removal of the
12 child may file, together with the petition under this subparagraph,
13 a petition for an order designating the caretaker as a prospective
14 adoptive parent for purposes of this subdivision.

15 (B) A hearing ordered pursuant to this paragraph shall be held
16 as soon as possible and not later than five court days after the
17 petition is filed with the court or the court sets a hearing upon its
18 own motion, unless the court for good cause is unable to set the
19 matter for hearing five court days after the petition is filed, in
20 which case the court shall set the matter for hearing as soon as
21 possible. At the hearing, the court shall determine whether the
22 caretaker has met the threshold criteria to be designated as a
23 prospective adoptive parent pursuant to paragraph (1), and whether
24 the proposed removal of the child from the home of the designated
25 prospective adoptive parent is in the child's best interest, and the
26 child may not be removed from the home of the designated
27 prospective adoptive parent unless the court finds that removal is
28 in the child's best interest. If the court determines that the caretaker
29 did not meet the threshold criteria to be designated as a prospective
30 adoptive parent on the date of service of the notice of proposed
31 removal of the child, the petition objecting to the proposed removal
32 filed by the caretaker shall be dismissed. If the caretaker was
33 designated as a prospective adoptive parent prior to this hearing,
34 the court shall inquire into any progress made by the caretaker
35 towards the adoption of the child since the caretaker was designated
36 as a prospective adoptive parent.

37 (C) A determination by the court that the caretaker is a
38 designated prospective adoptive parent pursuant to paragraph (1)
39 or subparagraph (B) does not make the caretaker a party to the
40 dependency proceeding nor does it confer on the caretaker any

1 standing to object to any other action of the department, county
2 adoption agency, or licensed adoption agency, unless the caretaker
3 has been declared a de facto parent by the court prior to the notice
4 of removal served pursuant to paragraph (3).

5 (D) If a petition objecting to the proposal to remove the child
6 is not filed, and the court, upon its own motion, does not set a
7 hearing, the child may be removed from the home of the designated
8 prospective adoptive parent without a hearing.

9 (4) Notwithstanding paragraph (3), if the State Department of
10 Social Services, county adoption agency, or licensed adoption
11 agency determines that the child must be removed from the home
12 of the caretaker who is or may be a designated prospective adoptive
13 parent immediately, due to a risk of physical or emotional harm,
14 the agency may remove the child from that home and is not
15 required to provide notice prior to the removal. However, as soon
16 as possible and not longer than two court days after the removal,
17 the agency shall notify the court, the caretaker who is or may be
18 a designated prospective adoptive parent, the child's attorney, and
19 the child, if the child is 10 years of age or older, of the removal.
20 Within five court days or seven calendar days, whichever is longer,
21 of the date of notification of the removal, the child, the child's
22 attorney, or the caretaker who is or may be a designated prospective
23 adoptive parent may petition for, or the court on its own motion
24 may set, a noticed hearing pursuant to paragraph (3). The court
25 may, for good cause, extend the filing period.

26 (5) Except as provided in subdivision (b) of Section 366.28, an
27 order by the court issued after a hearing pursuant to this subdivision
28 shall not be appealable.

29 (6) Nothing in this section shall preclude a county child
30 protective services agency from fully investigating and responding
31 to alleged abuse or neglect of a child pursuant to Section 11165.5
32 of the Penal Code.

33 (7) The Judicial Council shall prepare forms to facilitate the
34 filing of the petitions described in this subdivision, which shall
35 become effective on January 1, 2006.

36 SEC. 76. Section 706.6 of the Welfare and Institutions Code
37 is amended to read:

38 706.6. (a) Services to minors are best provided in a framework
39 that integrates service planning and delivery among multiple
40 service systems, including the mental health system, using a

1 team-based approach, such as a child and family team. A child
2 and family team brings together individuals that engage with the
3 child or youth and family in assessing, planning, and delivering
4 services. Use of a team approach increases efficiency, and thus
5 reduces cost, by increasing coordination of formal services and
6 integrating the natural and informal supports available to the child
7 or youth and family.

8 (b) (1) For the purposes of this section, “child and family team”
9 has the same meaning as in paragraph (4) of subdivision (a) of
10 Section 16501.

11 (2) In its development of the case plan, the probation agency
12 shall consider any recommendations of the child and family team,
13 as defined in paragraph (4) of subdivision (a) of Section 16501.
14 The agency shall document the rationale for any inconsistencies
15 between the case plan and the child and family team
16 recommendations.

17 (c) A case plan prepared as required by Section 706.5 shall be
18 submitted to the court. It shall either be attached to the social study
19 or incorporated as a separate section within the social study. The
20 case plan shall include, but not be limited to, the following
21 information:

22 (1) A description of the circumstances that resulted in the minor
23 being placed under the supervision of the probation department
24 and in foster care.

25 (2) Documentation of the preplacement assessment of the
26 minor’s and family’s strengths and service needs showing that
27 preventive services have been provided, and that reasonable efforts
28 to prevent out-of-home placement have been made. The assessment
29 shall include the type of placement best equipped to meet those
30 needs.

31 (3) (A) A description of the type of home or institution in which
32 the minor is to be placed, and the reasons for that placement
33 decision, including a discussion of the safety and appropriateness
34 of the placement, including the recommendations of the child and
35 family team, if available.

36 (B) An appropriate placement is a placement in the least
37 restrictive, most family-like environment that promotes normal
38 childhood experiences, in closest proximity to the minor’s home,
39 that meets the minor’s best interests and special needs.

40 (d) The following shall apply:

1 (1) The agency selecting a placement shall consider, in order
2 of priority:

3 (A) Placement with relatives, nonrelated extended family
4 members, and tribal members.

5 (B) Foster family homes and certified homes or resource families
6 of foster family agencies.

7 (C) Treatment and intensive treatment certified homes or
8 resource families of foster family agencies, or multidimensional
9 treatment foster homes or therapeutic foster care homes.

10 (D) Group care placements in the following order:

11 (i) Short-term residential therapeutic programs.

12 (ii) Group homes.

13 (iii) Community treatment facilities.

14 (iv) Out-of-state residential treatment pursuant to Part 5
15 (commencing with Section 7900) of Division 12 of the Family
16 Code.

17 (2) Although the placement options shall be considered in the
18 preferential order specified in paragraph (1), the placement of a
19 child may be with any of these placement settings in order to ensure
20 the selection of a safe placement setting that is in the child's best
21 interests and meets the child's special needs.

22 (3) A minor may be placed into a community care facility
23 licensed as a short-term residential therapeutic program, as defined
24 in subdivision (ad) of Section 11400, provided the case plan
25 indicates that the placement is for the purposes of providing
26 short-term, specialized, and intensive treatment for the minor, the
27 case plan specifies the need for, nature of, and anticipated duration
28 of this treatment, and the case plan includes transitioning the minor
29 to a less restrictive environment and the projected timeline by
30 which the minor will be transitioned to a less restrictive
31 environment.

32 (e) Effective January 1, 2010, a case plan shall ensure the
33 educational stability of the child while in foster care and shall
34 include both of the following:

35 (1) Assurances that the placement takes into account the
36 appropriateness of the current educational setting and the proximity
37 to the school in which the child is enrolled at the time of placement.

38 (2) An assurance that the placement agency has coordinated
39 with appropriate local educational agencies to ensure that the child
40 remains in the school in which the child is enrolled at the time of

1 placement, or, if remaining in that school is not in the best interests
2 of the child, assurances by the placement agency and the local
3 educational agency to provide immediate and appropriate
4 enrollment in a new school and to provide all of the child's
5 educational records to the new school.

6 (f) Specific time-limited goals and related activities designed
7 to enable the safe return of the minor to his or her home, or in the
8 event that return to his or her home is not possible, activities
9 designed to result in permanent placement or emancipation.
10 Specific responsibility for carrying out the planned activities shall
11 be assigned to one or more of the following:

12 (1) The probation department.

13 (2) The minor's parent or parents or legal guardian or guardians,
14 as applicable.

15 (3) The minor.

16 (4) The foster parents or licensed agency providing foster care.

17 (g) The projected date of completion of the case plan objectives
18 and the date services will be terminated.

19 (h) (1) Scheduled visits between the minor and his or her family
20 and an explanation if no visits are made.

21 (2) Whether the child has other siblings, and, if any siblings
22 exist, all of the following:

23 (A) The nature of the relationship between the child and his or
24 her siblings.

25 (B) The appropriateness of developing or maintaining the sibling
26 relationships pursuant to Section 16002.

27 (C) If the siblings are not placed together in the same home,
28 why the siblings are not placed together and what efforts are being
29 made to place the siblings together, or why those efforts are not
30 appropriate.

31 (D) If the siblings are not placed together, all of the following:

32 (i) The frequency and nature of the visits between the siblings.

33 (ii) If there are visits between the siblings, whether the visits
34 are supervised or unsupervised. If the visits are supervised, a
35 discussion of the reasons why the visits are supervised, and what
36 needs to be accomplished in order for the visits to be unsupervised.

37 (iii) If there are visits between the siblings, a description of the
38 location and length of the visits.

39 (iv) Any plan to increase visitation between the siblings.

1 (E) The impact of the sibling relationships on the child's
2 placement and planning for legal permanence.

3 (F) The continuing need to suspend sibling interaction, if
4 applicable, pursuant to subdivision (c) of Section 16002.

5 (3) The factors the court may consider in making a determination
6 regarding the nature of the child's sibling relationships may
7 include, but are not limited to, whether the siblings were raised
8 together in the same home, whether the siblings have shared
9 significant common experiences or have existing close and strong
10 bonds, whether either sibling expresses a desire to visit or live with
11 his or her sibling, as applicable, and whether ongoing contact is
12 in the child's best emotional interests.

13 (i) (1) When placement is made in a foster family home, group
14 home, or other child care institution that is either a substantial
15 distance from the home of the minor's parent or legal guardian or
16 out of state, the case plan shall specify the reasons why the
17 placement is the most appropriate and is in the best interest of the
18 minor.

19 (2) When an out-of-state group home placement is recommended
20 or made, the case plan shall comply with Section 727.1 of this
21 code and Section 7911.1 of the Family Code. In addition,
22 documentation of the recommendation of the multidisciplinary
23 team and the rationale for this particular placement shall be
24 included. The case plan shall also address what in-state services
25 or facilities were used or considered and why they were not
26 recommended.

27 (j) If applicable, efforts to make it possible to place siblings
28 together, unless it has been determined that placement together is
29 not in the best interest of one or more siblings.

30 (k) A schedule of visits between the minor and the probation
31 officer, including a monthly visitation schedule for those children
32 placed in group homes.

33 (l) Health and education information about the minor, school
34 records, immunizations, known medical problems, and any known
35 medications the minor may be taking, names and addresses of the
36 minor's health and educational providers; the minor's grade level
37 performance; assurances that the minor's placement in foster care
38 takes into account proximity to the school in which the minor was
39 enrolled at the time of placement; and other relevant health and
40 educational information.

1 (m) When out-of-home services are used and the goal is
2 reunification, the case plan shall describe the services that were
3 provided to prevent removal of the minor from the home, those
4 services to be provided to assist in reunification and the services
5 to be provided concurrently to achieve legal permanency if efforts
6 to reunify fail.

7 (n) (1) The updated case plan prepared for a permanency
8 planning hearing shall include a recommendation for a permanent
9 plan for the minor. The identified permanent plan for a minor under
10 16 years of age shall be return home, adoption, legal guardianship,
11 or placement with a fit and willing relative. The case plan shall
12 identify any barriers to achieving legal permanence and the steps
13 the agency will take to address those barriers.

14 (2) If, after considering reunification, adoptive placement, legal
15 guardianship, or permanent placement with a fit and willing relative
16 the probation officer recommends placement in a planned
17 permanent living arrangement for a minor 16 years of age or older,
18 the case plan shall include documentation of a compelling reason
19 or reasons why termination of parental rights is not in the minor's
20 best interest. For purposes of this subdivision, a "compelling
21 reason" shall have the same meaning as in subdivision (c) of
22 Section 727.3. The case plan shall also identify the intensive and
23 ongoing efforts to return the minor to the home of the parent, place
24 the minor for adoption, establish a legal guardianship, or place the
25 minor with a fit and willing relative, as appropriate. Efforts shall
26 include the use of technology, including social media, to find
27 biological family members of the minor.

28 (o) Each updated case plan shall include a description of the
29 services that have been provided to the minor under the plan and
30 an evaluation of the appropriateness and effectiveness of those
31 services.

32 (p) A statement that the parent or legal guardian, and the minor
33 have had an opportunity to participate in the development of the
34 case plan, to review the case plan, to sign the case plan, and to
35 receive a copy of the plan, or an explanation about why the parent,
36 legal guardian, or minor was not able to participate or sign the case
37 plan.

38 (q) For a minor in out-of-home care who is 16 years of age or
39 older, a written description of the programs and services, which

1 will help the minor prepare for the transition from foster care to
2 successful adulthood.

3 SEC. 77. Section 727 of the Welfare and Institutions Code is
4 amended to read:

5 727. (a) (1) If a minor or nonminor is adjudged a ward of the
6 court on the ground that he or she is a person described by Section
7 601 or 602, the court may make any reasonable orders for the care,
8 supervision, custody, conduct, maintenance, and support of the
9 minor or nonminor, including medical treatment, subject to further
10 order of the court.

11 (2) In the discretion of the court, a ward may be ordered to be
12 on probation without supervision of the probation officer. The
13 court, in so ordering, may impose on the ward any and all
14 reasonable conditions of behavior as may be appropriate under
15 this disposition. A minor or nonminor who has been adjudged a
16 ward of the court on the basis of the commission of any of the
17 offenses described in subdivision (b) or paragraph (2) of
18 subdivision (d) of Section 707, Section 459 of the Penal Code, or
19 subdivision (a) of Section 11350 of the Health and Safety Code,
20 shall not be eligible for probation without supervision of the
21 probation officer. A minor or nonminor who has been adjudged a
22 ward of the court on the basis of the commission of any offense
23 involving the sale or possession for sale of a controlled substance,
24 except misdemeanor offenses involving marijuana, as specified in
25 Chapter 2 (commencing with Section 11053) of Division 10 of the
26 Health and Safety Code, or of an offense in violation of Section
27 32625 of the Penal Code, shall be eligible for probation without
28 supervision of the probation officer only when the court determines
29 that the interests of justice would best be served and states reasons
30 on the record for that determination.

31 (3) In all other cases, the court shall order the care, custody, and
32 control of the minor or nonminor to be under the supervision of
33 the probation officer.

34 (4) It is the responsibility pursuant to 42 U.S.C. Section
35 672(a)(2)(B) of the probation agency to determine the appropriate
36 placement for the ward once the court issues a placement order.
37 In determination of the appropriate placement for the ward, the
38 probation officer shall consider any recommendations of the child
39 and family. The probation agency may place the minor or nonminor
40 in any of the following:

1 (A) The approved home of a relative or the approved home of
2 a nonrelative, extended family member, as defined in Section
3 362.7. If a decision has been made to place the minor in the home
4 of a relative, the court may authorize the relative to give legal
5 consent for the minor's medical, surgical, and dental care and
6 education as if the relative caregiver were the custodial parent of
7 the minor.

8 (B) A foster home, the approved home of a resource family as
9 defined in Section 16519.5, or a home or facility in accordance
10 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
11 et seq.).

12 (C) A suitable licensed community care facility, as identified
13 by the probation officer, except a runaway and homeless youth
14 shelter licensed by the State Department of Social Services
15 pursuant to Section 1502.35 of the Health and Safety Code.

16 (D) A foster family agency, as defined in subdivision (g) of
17 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
18 of the Health and Safety Code, in a suitable certified family home
19 or with a resource family.

20 (E) Commencing January 1, 2017, a minor or nonminor
21 dependent may be placed in a short-term residential therapeutic
22 program as defined in subdivision (ad) of Section 11400 and
23 paragraph (18) of subdivision (a) of Section 1502 of the Health
24 and Safety Code. The placing agency shall also comply with
25 requirements set forth in paragraph (9) of subdivision (e) of Section
26 361.2, which includes, but is not limited to, authorization, limitation
27 on length of stay, extensions, and additional requirements related
28 to minors. For youth 13 years of age and older, the chief probation
29 officer of the county probation department, or his or her designee,
30 shall approve the placement if it is longer than 12 months, and no
31 less frequently than every 12 months thereafter.

32 (F) (i) Every minor adjudged a ward of the juvenile court shall
33 be entitled to participate in age-appropriate extracurricular,
34 enrichment, and social activities. A state or local regulation or
35 policy shall not prevent, or create barriers to, participation in those
36 activities. Each state and local entity shall ensure that private
37 agencies that provide foster care services to wards have policies
38 consistent with this section and that those agencies promote and
39 protect the ability of wards to participate in age-appropriate
40 extracurricular, enrichment, and social activities. A group home

1 administrator, a facility manager, or his or her responsible designee,
2 and a caregiver, as defined in paragraph (1) of subdivision (a) of
3 Section 362.04, shall use a reasonable and prudent parent standard,
4 as defined in paragraph (2) of subdivision (a) of Section 362.04,
5 in determining whether to give permission for a minor residing in
6 foster care to participate in extracurricular, enrichment, and social
7 activities. A group home administrator, a facility manager, or his
8 or her responsible designee, and a caregiver shall take reasonable
9 steps to determine the appropriateness of the activity taking into
10 consideration the minor's age, maturity, and developmental level.

11 (ii) A group home administrator or a facility manager, or his or
12 her responsible designee, is encouraged to consult with social work
13 or treatment staff members who are most familiar with the minor
14 at the group home in applying and using the reasonable and prudent
15 parent standard.

16 (G) For nonminors, an approved supervised independent living
17 setting as defined in Section 11400, including a residential housing
18 unit certified by a licensed transitional housing placement provider.

19 (5) The minor or nonminor shall be released from juvenile
20 detention upon an order being entered under paragraph (3), unless
21 the court determines that a delay in the release from detention is
22 reasonable pursuant to Section 737.

23 (b) (1) To facilitate coordination and cooperation among
24 agencies, the court may, at any time after a petition has been filed,
25 after giving notice and an opportunity to be heard, join in the
26 juvenile court proceedings any agency that the court determines
27 has failed to meet a legal obligation to provide services to a minor,
28 for whom a petition has been filed under Section 601 or 602, to a
29 nonminor, as described in Section 303, or to a nonminor dependent,
30 as defined in subdivision (v) of Section 11400. In any proceeding
31 in which an agency is joined, the court shall not impose duties
32 upon the agency beyond those mandated by law. The purpose of
33 joinder under this section is to ensure the delivery and coordination
34 of legally mandated services to the minor. The joinder shall not
35 be maintained for any other purpose. Nothing in this section shall
36 prohibit agencies that have received notice of the hearing on joinder
37 from meeting prior to the hearing to coordinate services.

38 (2) The court has no authority to order services unless it has
39 been determined through the administrative process of an agency
40 that has been joined as a party, that the minor, nonminor, or

1 nonminor dependent is eligible for those services. With respect to
2 mental health assessment, treatment, and case management services
3 pursuant to an individualized education program developed
4 pursuant to Article 2 (commencing with Section 56320) of Chapter
5 4 of Part 30 of Division 4 of Title 2 of the Education Code, the
6 court's determination shall be limited to whether the agency has
7 complied with that chapter.

8 (3) For the purposes of this subdivision, "agency" means any
9 governmental agency or any private service provider or individual
10 that receives federal, state, or local governmental funding or
11 reimbursement for providing services directly to a child, nonminor,
12 or nonminor dependent.

13 (c) If a minor has been adjudged a ward of the court on the
14 ground that he or she is a person described in Section 601 or 602,
15 and the court finds that notice has been given in accordance with
16 Section 661, and if the court orders that a parent or guardian shall
17 retain custody of that minor either subject to or without the
18 supervision of the probation officer, the parent or guardian may
19 be required to participate with that minor in a counseling or
20 education program, including, but not limited to, parent education
21 and parenting programs operated by community colleges, school
22 districts, or other appropriate agencies designated by the court.

23 (d) The juvenile court may direct any reasonable orders to the
24 parents and guardians of the minor who is the subject of any
25 proceedings under this chapter as the court deems necessary and
26 proper to carry out subdivisions (a), (b), and (c), including orders
27 to appear before a county financial evaluation officer, to ensure
28 the minor's regular school attendance, and to make reasonable
29 efforts to obtain appropriate educational services necessary to meet
30 the needs of the minor.

31 If counseling or other treatment services are ordered for the
32 minor, the parent, guardian, or foster parent shall be ordered to
33 participate in those services, unless participation by the parent,
34 guardian, or foster parent is deemed by the court to be inappropriate
35 or potentially detrimental to the minor.

36 (e) The court may, after receipt of relevant testimony and other
37 evidence from the parties, affirm or reject the placement
38 determination. If the court rejects the placement determination, .
39 the court may instruct the probation department to determine an
40 alternative placement for the ward, or the court may modify the

1 placement order to an alternative placement recommended by a
2 party to the case after the court has received the probation
3 department's assessment of that recommendation and other relevant
4 evidence from the parties.

5 SEC. 78. Section 727.1 of the Welfare and Institutions Code
6 is amended to read:

7 727.1. (a) ~~When~~*If* the court orders the care, custody, and
8 control of the minor to be under the supervision of the probation
9 officer for foster care placement pursuant to subdivision (a) of
10 Section 727, the decision regarding choice of placement, pursuant
11 to Section 706.6, shall be based upon selection of a safe setting
12 that is the least restrictive or most family like, and the most
13 appropriate setting that meets the individual needs of the minor
14 and is available, in proximity to the parent's home, consistent with
15 the selection of the environment best suited to meet the minor's
16 special needs and best interests. The selection shall consider, in
17 order of priority, placement with relatives, tribal members, and
18 foster family, group care, and residential treatment pursuant to
19 Section 7950 of the Family Code.

20 (b) Unless otherwise authorized by law, the court may not order
21 the placement of a minor who is adjudged a ward of the court on
22 the basis that he or she is a person described by either Section 601
23 or 602 in a private residential facility or program that provides
24 24-hour supervision, outside of the state, unless the court finds, in
25 its order of placement, that all of the following conditions are met:

26 (1) In-state facilities or programs have been determined to be
27 unavailable or inadequate to meet the needs of the minor.

28 (2) The State Department of Social Services or its designee has
29 performed initial and continuing inspection of the out-of-state
30 residential facility or program and has either certified that the
31 facility or program meets the greater of all licensure standards
32 required of group homes or of short-term residential therapeutic
33 programs operated in California, or that the department has granted
34 a waiver to a specific licensing standard upon a finding that there
35 exists no adverse impact to health and safety, pursuant to
36 subdivision (c) of Section 7911.1 of the Family Code.

37 (3) The requirements of Section 7911.1 of the Family Code are
38 met.

39 (c) If, upon inspection, the probation officer of the county in
40 which the minor is adjudged a ward of the court determines that

1 the out-of-state facility or program is not in compliance with the
2 standards required under paragraph (2) of subdivision (b) or has
3 an adverse impact on the health and safety of the minor, the
4 probation officer may temporarily remove the minor from the
5 facility or program. The probation officer shall promptly inform
6 the court of the minor's removal, and shall return the minor to the
7 court for a hearing to review the suitability of continued out-of-state
8 placement. The probation officer shall, within one business day
9 of removing the minor, notify the State Department of Social
10 Services' Compact Administrator, and, within five working days,
11 submit a written report of the findings and actions taken.

12 (d) The court shall review each of these placements for
13 compliance with the requirements of subdivision (b) at least once
14 every six months.

15 (e) The county shall not be entitled to receive or expend any
16 public funds for the placement of a minor in an out-of-state group
17 home or short-term residential therapeutic program, unless the
18 conditions of subdivisions (b) and (d) are met.

19 *SEC. 78.5. Section 727.1 of the Welfare and Institutions Code*
20 *is amended to read:*

21 727.1. (a) ~~When~~*If* the court orders the care, custody, and
22 control of the minor to be under the supervision of the probation
23 officer for foster care placement pursuant to subdivision (a) of
24 Section 727, the decision regarding choice of placement, pursuant
25 to Section 706.6, shall be based upon selection of a safe setting
26 that is the least restrictive or most family like, and the most
27 appropriate setting that meets the individual needs of the minor
28 and is available, in proximity to the parent's home, consistent with
29 the selection of the environment best suited to meet the minor's
30 special needs and best interests. The selection shall consider, in
31 order of priority, placement with relatives, tribal members, and
32 foster family, group care, and residential treatment pursuant to
33 Section 7950 of the Family Code.

34 (b) Unless otherwise authorized by law, the court ~~may~~ *shall* not
35 order the placement of a minor who is adjudged a ward of the court
36 on the basis that he or she is a person described by either Section
37 601 or 602 in a private residential facility or program that provides
38 24-hour supervision, outside of the state, unless the court ~~finds;~~
39 *finds by clear and convincing evidence*, in its order of placement,
40 that all of the following conditions are met:

1 (1) ~~In-state~~ *The case plan for the minor, developed in strict*
2 *accordance with Section 706.6, demonstrates that the out-of-state*
3 *placement is the most appropriate and is in the best interests of*
4 *the minor and that in-state facilities or programs have been*
5 ~~determined to be~~ *considered and are* unavailable or inadequate
6 to meet the needs *and best interests* of the minor.

7 (2) The State Department of Social Services or its designee has
8 performed initial and continuing inspection of the out-of-state
9 residential facility or program and has either certified that the
10 facility or program meets the greater of all licensure standards
11 required of group homes or of short-term residential ~~treatment~~
12 ~~centers~~ *therapeutic programs* operated in California, or that the
13 department has granted a waiver to a specific licensing standard
14 upon a finding that there exists no adverse impact to health and
15 safety, pursuant to subdivision (c) of Section 7911.1 of the Family
16 Code.

17 (3) The requirements of Section 7911.1 of the Family Code are
18 met.

19 (c) If, upon inspection, the probation officer of the county in
20 which the minor is adjudged a ward of the court determines that
21 the out-of-state facility or program is not in compliance with the
22 standards required under paragraph (2) of subdivision (b) or has
23 an adverse impact on the health and safety of the minor, the
24 probation officer may temporarily remove the minor from the
25 facility or program. The probation officer shall promptly inform
26 the court of the minor's removal, and shall return the minor to the
27 court for a hearing to review the suitability of continued out-of-state
28 placement. The probation officer shall, within one business day
29 of removing the minor, notify the State Department of Social
30 Services' Compact Administrator, and, within five working days,
31 submit a written report of the findings and actions taken.

32 (d) The court shall review each of these placements for
33 compliance with the requirements of subdivision (b) at least once
34 every six months.

35 (e) The county shall not be entitled to receive or expend any
36 public funds for the placement of a minor in an out-of-state group
37 home or short-term residential ~~treatment center~~, *therapeutic*
38 *program*, unless the conditions of subdivisions (b) and (d) are met.

39 SEC. 79. Section 727.4 of the Welfare and Institutions Code
40 is amended to read:

1 727.4. (a) (1) Notice of any hearing pursuant to Section 727,
2 727.2, or 727.3 shall be mailed by the probation officer to the
3 minor, the minor's parent or guardian, any adult provider of care
4 to the minor including, but not limited to, foster parents, relative
5 caregivers, preadoptive parents, resource family, community care
6 facility, or foster family agency, and to the counsel of record if the
7 counsel of record was not present at the time that the hearing was
8 set by the court, by first-class mail addressed to the last known
9 address of the person to be notified, or shall be personally served
10 on those persons, not earlier than 30 days nor later than 15 days
11 preceding the date of the hearing. The notice shall contain a
12 statement regarding the nature of the status review or permanency
13 planning hearing and any change in the custody or status of the
14 minor being recommended by the probation department. The notice
15 shall also include a statement informing the foster parents, relative
16 caregivers, or preadoptive parents that he or she may attend all
17 hearings or may submit any information he or she deems relevant
18 to the court in writing. The foster parents, relative caregiver, and
19 preadoptive parents are entitled to notice and opportunity to be
20 heard but need not be made parties to the proceedings. Proof of
21 notice shall be filed with the court.

22 (2) If the court or probation officer knows or has reason to know
23 that the minor is or may be an Indian child, any notice sent under
24 this section shall comply with the requirements of Section 224.2.

25 (b) At least 10 calendar days prior to each status review and
26 permanency planning hearing, after the hearing during which the
27 court orders that the care, custody, and control of the minor to be
28 under the supervision of the probation officer for placement
29 pursuant to subdivision (a) of Section 727, the probation officer
30 shall file a social study report with the court, pursuant to the
31 requirements listed in Section 706.5.

32 (c) The probation department shall inform the minor, the minor's
33 parent or guardian, and all counsel of record that a copy of the
34 social study prepared for the hearing will be available 10 days
35 prior to the hearing and may be obtained from the probation officer.

36 (d) As used in Article 15 (commencing with Section 625) to
37 Article 18 (commencing with Section 725), inclusive:

38 (1) "Foster care" means residential care provided in any of the
39 settings described in Section 11402 or 11402.01.

1 (2) “At risk of entering foster care” means that conditions within
2 a minor’s family may necessitate his or her entry into foster care
3 unless those conditions are resolved.

4 (3) “Preadoptive parent” means a licensed foster parent who
5 has been approved for adoption by the State Department of Social
6 Services when it is acting as an adoption agency or by a licensed
7 adoption agency.

8 (4) “Date of entry into foster care” means the date that is 60
9 days after the date on which the minor was removed from his or
10 her home, unless one of the exceptions below applies:

11 (A) If the minor is detained pending foster care placement, and
12 remains detained for more than 60 days, then the date of entry into
13 foster care means the date the court adjudges the minor a ward and
14 orders the minor placed in foster care under the supervision of the
15 probation officer.

16 (B) If, before the minor is placed in foster care, the minor is
17 committed to a ranch, camp, school, or other institution pending
18 placement, and remains in that facility for more than 60 days, then
19 the “date of entry into foster care” is the date the minor is
20 physically placed in foster care.

21 (C) If at the time the wardship petition was filed, the minor was
22 a dependent of the juvenile court and in out-of-home placement,
23 then the “date of entry into foster care” is the earlier of the date
24 the juvenile court made a finding of abuse or neglect, or 60 days
25 after the date on which the child was removed from his or her
26 home.

27 (5) “Reasonable efforts” means:

28 (A) Efforts made to prevent or eliminate the need for removing
29 the minor from the minor’s home.

30 (B) Efforts to make it possible for the minor to return home,
31 including, but not limited to, case management, counseling,
32 parenting training, mentoring programs, vocational training,
33 educational services, substance abuse treatment, transportation,
34 and therapeutic day services.

35 (C) Efforts to complete whatever steps are necessary to finalize
36 a permanent plan for the minor.

37 (D) In child custody proceedings involving an Indian child,
38 “reasonable efforts” shall also include “active efforts” as defined
39 in Section 361.7.

(6) “Relative” means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” “grand,” or the spouse of any of these persons even if the marriage was terminated by death or dissolution. “Relative” shall also include an “extended family member” as defined in the *federal* Indian Child Welfare Act (25 U.S.C. Sec. 1903(2)).

(7) “Hearing” means a noticed proceeding with findings and orders that are made on a case-by-case basis, heard by either of the following:

(A) A judicial officer, in a courtroom, recorded by a court reporter.

(B) An administrative panel, provided that the hearing is a status review hearing and that the administrative panel meets the following conditions:

(i) The administrative review shall be open to participation by the minor and parents or legal guardians and all those persons entitled to notice under subdivision (a).

(ii) The minor and his or her parents or legal guardians receive proper notice as required in subdivision (a).

(iii) The administrative review panel is composed of persons appointed by the presiding judge of the juvenile court, the membership of which shall include at least one person who is not responsible for the case management of, or delivery of services to, the minor or the parents who are the subjects of the review.

(iv) The findings of the administrative review panel shall be submitted to the juvenile court for the court’s approval and shall become part of the official court record.

SEC. 79.5. Section 727.4 of the Welfare and Institutions Code is amended to read:

727.4. (a) (1) Notice of any hearing pursuant to Section 727, 727.1, 727.2, or 727.3 shall be mailed by the probation officer to the minor, the minor’s parent or guardian, any adult provider of care to the minor including, but not limited to, foster parents, relative caregivers, preadoptive parents, *resource family*, community care facility, or foster family agency, and to the counsel of record if the counsel of record was not present at the time that the hearing was set by the court, by first-class mail addressed to the last known address of the person to be notified, or shall be

1 personally served on those persons, not earlier than 30 days nor
2 later than 15 days preceding the date of the hearing. The notice
3 shall contain a statement regarding the nature of the status review
4 or permanency planning hearing and any change in the custody or
5 status of the minor being recommended by the probation
6 department. The notice shall also include a statement informing
7 the foster parents, relative caregivers, or preadoptive parents that
8 he or she may attend all hearings or may submit any information
9 he or she deems relevant to the court in writing. The foster parents,
10 relative caregiver, and preadoptive parents are entitled to notice
11 and opportunity to be heard but need not be made parties to the
12 proceedings. Proof of notice shall be filed with the court.

13 (2) If the court or probation officer knows or has reason to know
14 that the minor is or may be an Indian child, any notice sent under
15 this section shall comply with the requirements of Section 224.2.

16 (b) At least 10 calendar days prior to each status review and
17 permanency planning hearing, after the hearing during which the
18 court orders that the care, ~~custody~~ custody, and control of the minor
19 to be under the supervision of the probation officer for placement
20 pursuant to subdivision (a) of Section 727, the probation officer
21 shall file a social study report with the court, pursuant to the
22 requirements listed in Section 706.5.

23 (c) The probation department shall inform the minor, the minor's
24 parent or guardian, and all counsel of record that a copy of the
25 social study prepared for the hearing will be available 10 days
26 prior to the hearing and may be obtained from the probation officer.

27 (d) As used in Article 15 (commencing with Section 625) to
28 Article 18 (commencing with Section 725), inclusive:

29 (1) "Foster care" means residential care provided in any of the
30 settings described in Section ~~11402~~ 11402 or 11402.01.

31 (2) "At risk of entering foster care" means that conditions within
32 a minor's family may necessitate his or her entry into foster care
33 unless those conditions are resolved.

34 (3) "Preadoptive parent" means a licensed foster parent who
35 has been approved for adoption by the State Department of Social
36 Services when it is acting as an adoption agency or by a licensed
37 adoption agency.

38 (4) "Date of entry into foster care" means the date that is 60
39 days after the date on which the minor was removed from his or
40 her home, unless one of the exceptions below applies:

1 (A) If the minor is detained pending foster care placement, and
2 remains detained for more than 60 days, then the date of entry into
3 foster care means the date the court adjudges the minor a ward and
4 orders the minor placed in foster care under the supervision of the
5 probation officer.

6 (B) If, before the minor is placed in foster care, the minor is
7 committed to a ranch, camp, school, or other institution pending
8 placement, and remains in that facility for more than 60 days, then
9 the “date of entry into foster care” is the date the minor is
10 physically placed in foster care.

11 (C) If at the time the wardship petition was filed, the minor was
12 a dependent of the juvenile court and in out-of-home placement,
13 then the “date of entry into foster care” is the earlier of the date
14 the juvenile court made a finding of abuse or neglect, or 60 days
15 after the date on which the child was removed from his or her
16 home.

17 (5) “Reasonable efforts” means:

18 (A) Efforts made to prevent or eliminate the need for removing
19 the minor from the minor’s home.

20 (B) Efforts to make it possible for the minor to return home,
21 including, but not limited to, case management, counseling,
22 parenting training, mentoring programs, vocational training,
23 educational services, substance abuse treatment, transportation,
24 and therapeutic day services.

25 (C) Efforts to complete whatever steps are necessary to finalize
26 a permanent plan for the minor.

27 (D) In child custody proceedings involving an Indian child,
28 “reasonable efforts” shall also include “active efforts” as defined
29 in Section 361.7.

30 (6) “Relative” means an adult who is related to the minor by
31 blood, adoption, or affinity within the fifth degree of kinship
32 including stepparents, stepsiblings, and all relatives whose status
33 is preceded by the words “great,” “great-great,” “grand,” or the
34 spouse of any of these persons even if the marriage was terminated
35 by death or dissolution. “Relative” shall also include an “extended
36 family member” as defined in the *federal* Indian Child Welfare
37 Act (25 U.S.C. Sec. 1903(2)).

38 (7) “Hearing” means a noticed proceeding with findings and
39 orders that are made on a case-by-case basis, heard by either of
40 the following:

1 (A) A judicial officer, in a courtroom, recorded by a court
2 reporter.

3 (B) An administrative panel, provided that the hearing is a status
4 review hearing and that the administrative panel meets the
5 following conditions:

6 (i) The administrative review shall be open to participation by
7 the minor and parents or legal guardians and all those persons
8 entitled to notice under subdivision (a).

9 (ii) The minor and his or her parents or legal guardians receive
10 proper notice as required in subdivision (a).

11 (iii) The administrative review panel is composed of persons
12 appointed by the presiding judge of the juvenile court, the
13 membership of which shall include at least one person who is not
14 responsible for the case management of, or delivery of services
15 to, the minor or the parents who are the subjects of the review.

16 (iv) The findings of the administrative review panel shall be
17 submitted to the juvenile court for the court's approval and shall
18 become part of the official court record.

19 SEC. 80. Section 4094.2 of the Welfare and Institutions Code
20 is amended to read:

21 4094.2. (a) For the purpose of establishing payment rates for
22 community treatment facility programs, the private nonprofit
23 agencies selected to operate these programs shall prepare a budget
24 that covers the total costs of providing residential care and
25 supervision and mental health services for their proposed programs.
26 These costs shall include categories that are allowable under
27 California's Foster Care program and existing programs for mental
28 health services. They shall not include educational, nonmental
29 health medical, and dental costs.

30 (b) Each agency operating a community treatment facility
31 program shall negotiate a final budget with the local mental health
32 department in the county in which its facility is located (the host
33 county) and other local agencies, as appropriate. This budget
34 agreement shall specify the types and level of care and services to
35 be provided by the community treatment facility program and a
36 payment rate that fully covers the costs included in the negotiated
37 budget. All counties that place children in a community treatment
38 facility program shall make payments using the budget agreement
39 negotiated by the community treatment facility provider and the
40 host county.

(c) A foster care rate shall be established for each community treatment facility program by the State Department of Social Services.

(1) These rates shall be established using the existing foster care ratesetting system for group homes, or the rate for a short-term residential therapeutic program as defined in subdivision (ad) of Section 11400, with modifications designed as necessary. It is anticipated that all community treatment facility programs will offer the level of care and services required to receive the highest foster care rate provided for under the current ratesetting system.

(2) Except as otherwise provided in paragraph (3), commencing January 1, 2017, the program shall have accreditation from a nationally recognized accrediting entity identified by the State Department of Social Services pursuant to the process described in paragraph (4) of subdivision (b) of Section 11462.

(3) With respect to a program that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04, the requirement described in paragraph (2) shall apply to that program commencing January 1, 2019.

(d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the 2003–04 fiscal year, and the 2004–05 fiscal year, community treatment facility programs shall also be paid a community treatment facility supplemental rate of up to two thousand five hundred dollars (\$2,500) per child per month on behalf of children eligible under the foster care program and children placed out of home pursuant to an individualized education program developed under Section 7572.5 of the Government Code. Subject to the availability of funds, the supplemental rate shall be shared by the state and the counties. Counties shall be responsible for paying a county share of cost equal to 60 percent of the community treatment rate for children placed by counties in community treatment facilities and the state shall be responsible for 40 percent of the community treatment facility supplemental rate. The community treatment facility supplemental rate is intended to supplement, and not to supplant, the payments for which children placed in community treatment facilities are eligible to receive under the foster care program and the existing programs for mental health services.

(e) For initial ratesetting purposes for community treatment facility funding, the cost of mental health services shall be

1 determined by deducting the foster care rate and the community
2 treatment facility supplemental rate from the total allowable cost
3 of the community treatment facility program. Payments to certified
4 providers for mental health services shall be based on eligible
5 services provided to children who are Medi-Cal beneficiaries, up
6 to the approved federal rate for these services.

7 (f) The State Department of Health Care Services shall provide
8 the community treatment facility supplemental rates to the counties
9 for advanced payment to the community treatment facility
10 providers in the same manner as the regular foster care payment
11 and within the same required payment time limits.

12 (g) In order to facilitate the study of the costs of community
13 treatment facilities, licensed community treatment facilities shall
14 provide all documents regarding facility operations, treatment, and
15 placements requested by the department.

16 (h) It is the intent of the Legislature that the State Department
17 of Health Care Services and the State Department of Social
18 Services work to maximize federal financial participation in
19 funding for children placed in community treatment facilities
20 through funds available pursuant to Titles IV-E and XIX of the
21 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and
22 Sec. 1396 et seq.) and other appropriate federal programs.

23 (i) The State Department of Health Care Services and the State
24 Department of Social Services may adopt emergency regulations
25 necessary to implement joint protocols for the oversight of
26 community treatment facilities, to modify existing licensing
27 regulations governing reporting requirements and other procedural
28 and administrative mandates to take into account the seriousness
29 and frequency of behaviors that are likely to be exhibited by
30 seriously emotionally disturbed children placed in community
31 treatment facility programs, to modify the existing foster care
32 ratesetting regulations, and to pay the community treatment facility
33 supplemental rate. The adoption of these regulations shall be
34 deemed to be an emergency and necessary for the immediate
35 preservation of the public peace, health and safety, and general
36 welfare. The regulations shall become effective immediately upon
37 filing with the Secretary of State. The regulations shall not remain
38 in effect more than 180 days unless the adopting agency complies
39 with all the provisions of Chapter 3.5 (commencing with Section
40 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 as required by subdivision (e) of Section 11346.1 of the
2 Government Code.

3 SEC. 81. Section 4096 of the Welfare and Institutions Code,
4 as added by Section 56 of Chapter 773 of the Statutes of 2015, is
5 amended to read:

6 4096. (a) (1) Interagency collaboration and children's program
7 services shall be structured in a manner that will facilitate
8 implementation of the goals of Part 4 (commencing with Section
9 5850) of Division 5 to develop protocols outlining the roles and
10 responsibilities of placing agencies and short-term residential
11 therapeutic programs regarding nonemergency placements of foster
12 children in certified short-term residential therapeutic programs
13 or foster family agencies.

14 (2) Components shall be added to state-county performance
15 contracts required in Section 5650 that provide for reports from
16 counties on how this section is implemented.

17 (3) The State Department of Health Care Services shall develop
18 performance contract components required by paragraph (2).

19 (4) Performance contracts subject to this section shall document
20 that the procedures to be implemented in compliance with this
21 section have been approved by the county social services
22 department and the county probation department.

23 (b) Funds specified in subdivision (a) of Section 17601 for
24 services to wards of the court and dependent children of the court
25 shall be allocated and distributed to counties based on the number
26 of wards of the court and dependent children of the court in the
27 county.

28 (c) A county may utilize funds allocated pursuant to subdivision
29 (b) only if the county has established an operational interagency
30 placement committee with a membership that includes at least the
31 county placement agency and a licensed mental health professional
32 from the county department of mental health. If necessary, the
33 funds may be used for costs associated with establishing the
34 interagency placement committee.

35 (d) Funds allocated pursuant to subdivision (b) shall be used to
36 provide services to wards of the court and dependent children of
37 the court jointly identified by county mental health, social services,
38 and probation departments as the highest priority. Every effort
39 shall be made to match those funds with funds received pursuant
40 to Title XIX of the federal Social Security Act, contained in

1 Subchapter 19 (commencing with Section 1396) of Chapter 7 of
2 Title 42 of the United States Code.

3 (e) (1) Each interagency placement committee shall establish
4 procedures whereby a ward of the court or dependent child of the
5 court, or a voluntarily placed child whose placement is funded by
6 the Aid to Families with Dependent Children-Foster Care Program,
7 who is to be placed or is currently placed in a short-term residential
8 therapeutic program, as specified in Section 11462.01, or a group
9 home granted an extension pursuant to Section 11462.04, shall be
10 assessed to determine whether the child meets one of the following:

11 (A) He or she meets the medical necessity criteria for Medi-Cal
12 specialty mental health services, as the criteria are described in
13 Section 1830.205 or 1830.210 of Title 9 of the California Code of
14 Regulations.

15 (B) He or she is assessed as seriously emotionally disturbed, as
16 described in subdivision (a) of Section 5600.3.

17 (C) His or her individual behavioral or treatment needs can only
18 be met by the level of care provided in a short-term residential
19 therapeutic program.

20 (2) The assessment required by paragraph (1) shall also indicate
21 that the child is in need of the care and services provided by a
22 short-term residential therapeutic program and ensure that the
23 requirements of subdivision (c) of Section 16514 have been met
24 with respect to commonality of need. The assessment shall include
25 a determination that placement of the child in the short-term
26 residential therapeutic program will not pose a threat to the health
27 or safety of, or interfere with the effectiveness of the mental health
28 services provided to, that child or the other children residing there.

29 (3) Nothing in this subdivision shall prohibit an interagency
30 placement committee from considering an assessment that was
31 provided by a licensed mental health professional, as described in
32 subdivision (g), and that was developed consistent with procedures
33 established by the county pursuant to paragraph (1).

34 (4) The State Department of Health Care Services and the State
35 Department of Social Services shall develop a dispute resolution
36 process or utilize an existing dispute resolution process currently
37 operated by each department to jointly review a disputed
38 interagency placement committee assessment or determination
39 made pursuant to this subdivision. The departments shall report
40 the developed or utilized dispute resolution process to the

1 appropriate policy and fiscal committees of the Legislature no later
2 than January 1, 2017, and shall track the number of disputes
3 reported and resolved, and provide that information to the
4 Legislature annually as part of the State Budget process.
5 Notwithstanding the rulemaking provisions of the Administrative
6 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
7 Part 1 of Division 3 of Title 2 of the Government Code), the
8 departments may issue guidance on the joint review process for
9 dispute resolution by written directive.

10 (f) The interagency placement committee shall document the
11 results of the assessment required by subdivision (e) and shall
12 notify the appropriate provider in writing, of those results within
13 10 days of the completion of the assessment.

14 (g) If the child's or youth's placement is not funded by the Aid
15 to Families with Dependent Children-Foster Care Program, a
16 licensed mental health professional, or an otherwise recognized
17 provider of mental health services, shall certify that the child has
18 been assessed as meeting the medical necessity criteria for
19 Medi-Cal specialty mental health Early and Periodic Screening,
20 Diagnosis, and Treatment services, as the criteria are described in
21 Section 1830.210 of Title 9 of the California Code of Regulations,
22 or assessed as seriously emotionally disturbed, as described in
23 subdivision (a) of Section 5600.3. A "licensed mental health
24 professional" includes a physician licensed under Section 2050 of
25 the Business and Professions Code, a licensed psychologist within
26 the meaning of subdivision (a) of Section 2902 of the Business
27 and Professions Code, a licensed clinical social worker within the
28 meaning of subdivision (a) of Section 4996 of the Business and
29 Professions Code, a licensed marriage and family therapist within
30 the meaning of subdivision (b) of Section 4980 of the Business
31 and Professions Code, or a licensed professional clinical counselor
32 within the meaning of subdivision (e) of Section 4999.12.

33 SEC. 82. Section 4096.5 of the Welfare and Institutions Code,
34 as added by Section 59 of Chapter 773 of the Statutes of 2015, is
35 amended to read:

36 4096.5. (a) This section governs standards for the mental health
37 program approval for short-term residential therapeutic programs,
38 which is required under subdivision (c) of Section 1562.01 of the
39 Health and Safety Code.

1 (b) All short-term residential therapeutic programs that serve
2 children who have either been assessed as meeting the medical
3 necessity criteria for Medi-Cal specialty mental health services,
4 as provided for in Section 1830.205 or 1830.210 of Title 9 of the
5 California Code of Regulations, or who have been assessed as
6 seriously emotionally disturbed, as defined in subdivision (a) of
7 Section 5600.3, shall obtain and have in good standing a mental
8 health program approval that includes a Medi-Cal mental health
9 certification, as described in Section 11462.01, issued by the State
10 Department of Health Care Services or a county mental health
11 plan to which the department has delegated approval authority.
12 This approval is a condition for receiving an Aid to Families with
13 Dependent Children-Foster Care rate pursuant to Section 11462.01.

14 (c) (1) A short-term residential therapeutic program shall not
15 directly provide specialty mental health services without a current
16 mental health program approval. A licensed short-term residential
17 therapeutic program that has not obtained a program approval shall
18 provide children in its care access to appropriate mental health
19 services.

20 (2) County mental health plans shall ensure that Medi-Cal
21 specialty mental health services, including, but not limited to,
22 services under the Early and Periodic Screening, Diagnosis and
23 Treatment benefit, are provided to all Medi-Cal beneficiaries served
24 by short-term residential therapeutic programs who meet medical
25 necessity criteria, as provided for in Section 1830.205 or 1830.210
26 of Title 9 of the California Code of Regulations.

27 (d) (1) The State Department of Health Care Services or a
28 county mental health plan to which the department has delegated
29 mental health program approval authority shall approve or deny
30 mental health program approval requests within 45 days of
31 receiving a request. The State Department of Health Care Services
32 or a county mental health plan to which the department has
33 delegated mental health program approval authority shall issue
34 each mental health program approval for a period of one year,
35 except for approvals granted pursuant to paragraph (2) and
36 provisional approvals granted pursuant to regulations promulgated
37 under subdivision (e), and shall specify the effective date of the
38 approval. Approved entities shall meet all program standards to
39 be reapproved.

1 (2) (A) Between January 1, 2017, and December 31, 2017, the
2 State Department of Health Care Services, or a county mental
3 health plan to which the department has delegated mental health
4 program approval authority, shall approve or deny a mental health
5 program approval request within 90 days of receipt.

6 (B) Between January 1, 2017, and December 31, 2017, the State
7 Department of Health Care Services, or a county mental health
8 plan to which the department has delegated mental health program
9 approval authority, may issue a mental health program approval
10 for a period of less than one year.

11 (e) (1) The State Department of Health Care Services and the
12 county mental health plans to which the department has delegated
13 mental health program approval authority may enforce the mental
14 health program approval standards by taking any of the following
15 actions against a noncompliant short-term residential therapeutic
16 program:

17 (A) Suspend or revoke a mental health program approval.

18 (B) Impose monetary penalties.

19 (C) Place a mental health program on probation.

20 (D) Require a mental health program to prepare and comply
21 with a corrective action plan.

22 (2) The State Department of Health Care Services and the county
23 mental health plans to which the department has delegated mental
24 health program approval authority shall provide short-term
25 residential therapeutic programs with due process protections when
26 taking any of the actions described in paragraph (1).

27 (f) The State Department of Health Care Services, in
28 consultation with the State Department of Social Services, shall
29 promulgate regulations regarding program standards, oversight,
30 enforcement, issuance of mental health program approvals,
31 including provisional approvals that are effective for a period of
32 less than one year, and due process protections related to the mental
33 health program approval process for short-term residential
34 therapeutic programs.

35 (g) (1) Except for mental health program approval of short-term
36 residential therapeutic programs operated by a county, the State
37 Department of Health Care Services may, upon the request of a
38 county, delegate to that county mental health plan the mental health
39 program approval of short-term residential therapeutic programs
40 within its borders.

1 (2) Any county to which mental health program approval is
2 delegated pursuant to paragraph (1) shall be responsible for the
3 oversight and enforcement of program standards and the provision
4 of due process for approved and denied entities.

5 (h) The State Department of Health Care Services or a county
6 mental health plan to which the department has delegated mental
7 health program approval authority shall notify the State Department
8 of Social Services immediately upon the termination of any mental
9 health program approval issued in accordance with subdivisions
10 (b) and (d).

11 (i) The State Department of Social Services shall notify the
12 State Department of Health Care Services and, if applicable, a
13 county to which the department has delegated mental health
14 program approval authority, immediately upon the revocation of
15 any license issued pursuant to Chapter 3 (commencing with Section
16 1500) of Division 2 of the Health and Safety Code.

17 (j) Revocation of a license or a mental health program approval
18 shall be a basis for rate termination.

19 SEC. 83. Section 11253.45 of the Welfare and Institutions
20 Code is amended to read:

21 11253.45. (a) (1) A child to whom Section 309, 361.45, or
22 16519.5 applies, and who is placed in the home of an approved
23 relative, shall receive a grant that equals the resource family basic
24 rate at the child's assessed level of care, as set forth in subdivision
25 (g) of Section 11461 and Section 11463. If the child is determined
26 eligible for aid, the total grant shall be comprised of the
27 CalWORKs grant plus an amount that, when combined with the
28 CalWORKs grant, equals the resource family basic rate at the
29 child's assessed level of care.

30 (2) The non-CalWORKs portion of the grant provided in
31 paragraph (1) shall be paid from funds separate from funds
32 appropriated in the annual Budget Act and counties' share of costs
33 for the CalWORKs program.

34 (3) A child specified in paragraph (1) is not subject to the
35 provisions of this chapter relating to CalWORKs, including, but
36 not limited to, the provisions that relate to CalWORKs eligibility,
37 welfare to work, child support enforcement, time limits, or grant
38 computation.

39 (4) All of the following shall apply to a child specified in
40 paragraph (1):

1 (A) He or she shall receive the applicable regional CalWORKs
2 grant for a recipient in an assistance unit of one, pursuant to the
3 exempt maximum aid payment set forth in Section 11450, and any
4 changes to the CalWORKs grant amount shall apply to the grant
5 described in this subparagraph.

6 (B) Notwithstanding any other law, the CalWORKs grant for
7 the child shall be paid by the county with payment responsibility
8 in accordance with paragraph (1) regardless of the county of
9 residence of the child.

10 (C) For an assistance unit described in subparagraph (A),
11 eligibility shall be determined in accordance with paragraph (3)
12 of subdivision (a) of Section 672 of Title 42 of the United States
13 Code and state law implementing those requirements for the
14 purposes of Article 5 (commencing with Section 11400).

15 (b) (1) Except as provided in paragraph (2), a person applying
16 for aid on behalf of a child described in paragraph (1) of
17 subdivision (a), shall be exempt from Chapter 4.6 (commencing
18 with Section 10830) of Part 2 governing the statewide fingerprint
19 imaging system.

20 (2) A relative who is also an applicant for or a recipient of
21 benefits under this chapter shall comply with the statewide
22 fingerprint imaging system requirements.

23 (c) Notwithstanding Sections 11004 and 11004.1 or any other
24 law, overpayments to an assistance unit described in subparagraph
25 (A) of paragraph (4) of subdivision (a) shall be collected using the
26 standards and processes for overpayment recoupment as specified
27 in Section 11466.24, and recouped overpayments shall not be
28 subject to remittance to the federal government.

29 (d) If a relative with whom a child eligible in accordance with
30 this section is placed is also an applicant for, or a recipient of,
31 benefits under this chapter, all of the following shall apply:

32 (1) The applicant or recipient and each eligible child, excluding
33 any child eligible in accordance with this section, shall receive aid
34 in an assistance unit separate from the assistance unit described in
35 subparagraph (A) of paragraph (4) of subdivision (a), and the
36 CalWORKs grant of the assistance unit shall be paid by the county
37 of residence of the assistance unit.

38 (2) For purposes of calculating the grant of the assistance unit,
39 the number of eligible needy persons on which the grant is based

1 pursuant to paragraph (1) of subdivision (a) of Section 11450 shall
2 not include any child eligible in accordance with this section.

3 (3) For purposes of calculating minimum basic standards of
4 adequate care for the assistance unit, any child eligible in
5 accordance with this section shall be included as an eligible needy
6 person in the same family pursuant to paragraph (2) of subdivision
7 (a) of Section 11452.

8 (e) This section shall apply only to a child under the jurisdiction
9 of a county that has not opted into the Approved Relative Caregiver
10 Funding Option pursuant to Section 11461.3.

11 (f) This section shall become operative on January 1, 2017.

12 SEC. 84. Section 11400 of the Welfare and Institutions Code
13 is amended to read:

14 11400. For purposes of this article, the following definitions
15 shall apply:

16 (a) "Aid to Families with Dependent Children-Foster Care
17 (AFDC-FC)" means the aid provided on behalf of needy children
18 in foster care under the terms of this division.

19 (b) "Case plan" means a written document that, at a minimum,
20 specifies the type of home in which the child shall be placed, the
21 safety of that home, and the appropriateness of that home to meet
22 the child's needs. It shall also include the agency's plan for
23 ensuring that the child receive proper care and protection in a safe
24 environment, and shall set forth the appropriate services to be
25 provided to the child, the child's family, and the foster parents, in
26 order to meet the child's needs while in foster care, and to reunify
27 the child with the child's family. In addition, the plan shall specify
28 the services that will be provided or steps that will be taken to
29 facilitate an alternate permanent plan if reunification is not possible.

30 (c) "Certified family home" means an individual or family
31 certified by a licensed foster family agency and issued a certificate
32 of approval by that agency as meeting licensing standards, and
33 used exclusively by that foster family agency for placements.

34 (d) "Family home" means the family residence of a licensee in
35 which 24-hour care and supervision are provided for children.

36 (e) "Small family home" means any residential facility, in the
37 licensee's family residence, which provides 24-hour care for six
38 or fewer foster children who have mental disorders or
39 developmental or physical disabilities and who require special care
40 and supervision as a result of their disabilities.

1 (f) “Foster care” means the 24-hour out-of-home care provided
2 to children whose own families are unable or unwilling to care for
3 them, and who are in need of temporary or long-term substitute
4 parenting.

5 (g) “Foster family agency” means a licensed community care
6 facility, as defined in paragraph (4) of subdivision (a) of Section
7 1502 of the Health and Safety Code. Private foster family agencies
8 shall be organized and operated on a nonprofit basis.

9 (h) “Group home” means a nondetention privately operated
10 residential home, organized and operated on a nonprofit basis only,
11 of any capacity, or a nondetention licensed residential care home
12 operated by the County of San Mateo with a capacity of up to 25
13 beds, that accepts children in need of care and supervision in a
14 group home, as defined by paragraph (13) of subdivision (a) of
15 Section 1502 of the Health and Safety Code.

16 (i) “Periodic review” means review of a child’s status by the
17 juvenile court or by an administrative review panel, that shall
18 include a consideration of the safety of the child, a determination
19 of the continuing need for placement in foster care, evaluation of
20 the goals for the placement and the progress toward meeting these
21 goals, and development of a target date for the child’s return home
22 or establishment of alternative permanent placement.

23 (j) “Permanency planning hearing” means a hearing conducted
24 by the juvenile court in which the child’s future status, including
25 whether the child shall be returned home or another permanent
26 plan shall be developed, is determined.

27 (k) “Placement and care” refers to the responsibility for the
28 welfare of a child vested in an agency or organization by virtue of
29 the agency or organization having (1) been delegated care, custody,
30 and control of a child by the juvenile court, (2) taken responsibility,
31 pursuant to a relinquishment or termination of parental rights on
32 a child, (3) taken the responsibility of supervising a child detained
33 by the juvenile court pursuant to Section 319 or 636, or (4) signed
34 a voluntary placement agreement for the child’s placement; or to
35 the responsibility designated to an individual by virtue of his or
36 her being appointed the child’s legal guardian.

37 (l) “Preplacement preventive services” means services that are
38 designed to help children remain with their families by preventing
39 or eliminating the need for removal.

1 (m) “Relative” means an adult who is related to the child by
2 blood, adoption, or affinity within the fifth degree of kinship,
3 including stepparents, stepsiblings, and all relatives whose status
4 is preceded by the words “great,” “great-great,” or “grand” or the
5 spouse of any of these persons even if the marriage was terminated
6 by death or dissolution.

7 (n) “Nonrelative extended family member” means an adult
8 caregiver who has an established familial or mentoring relationship
9 with the child, as described in Section 362.7.

10 (o) “Voluntary placement” means an out-of-home placement
11 of a child by (1) the county welfare department, probation
12 department, or Indian tribe that has entered into an agreement
13 pursuant to Section 10553.1, after the parents or guardians have
14 requested the assistance of the county welfare department and have
15 signed a voluntary placement agreement; or (2) the county welfare
16 department licensed public or private adoption agency, or the
17 department acting as an adoption agency, after the parents have
18 requested the assistance of either the county welfare department,
19 the licensed public or private adoption agency, or the department
20 acting as an adoption agency for the purpose of adoption planning,
21 and have signed a voluntary placement agreement.

22 (p) “Voluntary placement agreement” means a written agreement
23 between either the county welfare department, probation
24 department, or Indian tribe that has entered into an agreement
25 pursuant to Section 10553.1, licensed public or private adoption
26 agency, or the department acting as an adoption agency, and the
27 parents or guardians of a child that specifies, at a minimum, the
28 following:

29 (1) The legal status of the child.
30 (2) The rights and obligations of the parents or guardians, the
31 child, and the agency in which the child is placed.

32 (q) “Original placement date” means the most recent date on
33 which the court detained a child and ordered an agency to be
34 responsible for supervising the child or the date on which an agency
35 assumed responsibility for a child due to termination of parental
36 rights, relinquishment, or voluntary placement.

37 (r) (1) “Transitional housing placement provider” means an
38 organization licensed by the State Department of Social Services
39 pursuant to Section 1559.110 of the Health and Safety Code, to
40 provide transitional housing to foster children at least 16 years of

1 age and not more than 18 years of age, and nonminor dependents,
2 as defined in subdivision (v). A transitional housing placement
3 provider shall be privately operated and organized on a nonprofit
4 basis.

5 (2) Prior to licensure, a provider shall obtain certification from
6 the applicable county, in accordance with Section 16522.1.

7 (s) “Transitional Housing Program-Plus” means a provider
8 certified by the applicable county, in accordance with subdivision
9 (c) of Section 16522, to provide transitional housing services to
10 former foster youth who have exited the foster care system on or
11 after their 18th birthday.

12 (t) “Whole family foster home” means a new or existing family
13 home, approved relative caregiver or nonrelative extended family
14 member’s home, the home of a nonrelated legal guardian whose
15 guardianship was established pursuant to Section 360 or 366.26,
16 certified family home, or a host family home placement of a
17 transitional housing placement provider, that provides foster care
18 for a minor or nonminor dependent parent and his or her child,
19 and is specifically recruited and trained to assist the minor or
20 nonminor dependent parent in developing the skills necessary to
21 provide a safe, stable, and permanent home for his or her child.
22 The child of the minor or nonminor dependent parent need not be
23 the subject of a petition filed pursuant to Section 300 to qualify
24 for placement in a whole family foster home.

25 (u) “Mutual agreement” means any of the following:

26 (1) A written voluntary agreement of consent for continued
27 placement and care in a supervised setting between a minor or, on
28 and after January 1, 2012, a nonminor dependent, and the county
29 welfare services or probation department or tribal agency
30 responsible for the foster care placement, that documents the
31 nonminor’s continued willingness to remain in supervised
32 out-of-home placement under the placement and care of the
33 responsible county, tribe, consortium of tribes, or tribal
34 organization that has entered into an agreement with the state
35 pursuant to Section 10553.1, remain under the jurisdiction of the
36 juvenile court as a nonminor dependent, and report any change of
37 circumstances relevant to continued eligibility for foster care
38 payments, and that documents the nonminor’s and social worker’s
39 or probation officer’s agreement to work together to facilitate

1 implementation of the mutually developed supervised placement
2 agreement and transitional independent living case plan.

3 (2) An agreement, as described in paragraph (1), between a
4 nonminor former dependent or ward in receipt of Kin-GAP
5 payments under Article 4.5 (commencing with Section 11360) or
6 Article 4.7 (commencing with Section 11385), and the agency
7 responsible for the Kin-GAP benefits, provided that the nonminor
8 former dependent or ward satisfies the conditions described in
9 Section 11403.01, or one or more of the conditions described in
10 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
11 11403. For purposes of this paragraph and paragraph (3),
12 “nonminor former dependent or ward” has the same meaning as
13 described in subdivision (aa).

14 (3) An agreement, as described in paragraph (1), between a
15 nonminor former dependent or ward in receipt of AFDC-FC
16 payments under subdivision (e) or (f) of Section 11405 and the
17 agency responsible for the AFDC-FC benefits, provided that the
18 nonminor former dependent or ward described in subdivision (e)
19 of Section 11405 satisfies one or more of the conditions described
20 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
21 11403, and the nonminor described in subdivision (f) of Section
22 11405 satisfies the secondary school or equivalent training or
23 certificate program conditions described in that subdivision.

24 (v) “Nonminor dependent” means, on and after January 1, 2012,
25 a foster child, as described in Section 675(8)(B) of Title 42 of the
26 United States Code under the federal Social Security Act who is
27 a current dependent child or ward of the juvenile court, or who is
28 a nonminor under the transition jurisdiction of the juvenile court,
29 as described in Section 450, and who satisfies all of the following
30 criteria:

31 (1) He or she has attained 18 years of age while under an order
32 of foster care placement by the juvenile court, and is not more than
33 19 years of age on or after January 1, 2012, not more than 20 years
34 of age on or after January 1, 2013, or not more than 21 years of
35 age on or after January 1, 2014, and as described in Section
36 10103.5.

37 (2) He or she is in foster care under the placement and care
38 responsibility of the county welfare department, county probation
39 department, Indian tribe, consortium of tribes, or tribal organization
40 that entered into an agreement pursuant to Section 10553.1.

(3) He or she has a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403.

(w) “Supervised independent living placement” means, on and after January 1, 2012, an independent supervised setting, as specified in a nonminor dependent’s transitional independent living case plan, in which the youth is living independently, pursuant to Section 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec. 672(c)(2)).

(x) “Supervised independent living setting,” pursuant to Section 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec. 672(c)(2)), includes both a supervised independent living placement, as defined in subdivision (w), and a residential housing unit certified by the transitional housing placement provider operating a Transitional Housing Placement-Plus Foster Care program, as described in paragraph (2) of subdivision (a) of Section 16522.1.

(y) “Transitional independent living case plan” means, on or after January 1, 2012, a child’s case plan submitted for the last review hearing held before he or she reaches 18 years of age or the nonminor dependent’s case plan, updated every six months, that describes the goals and objectives of how the nonminor will make progress in the transition to living independently and assume incremental responsibility for adult decisionmaking, the collaborative efforts between the nonminor and the social worker, probation officer, or Indian tribal placing entity and the supportive services as described in the transitional independent living plan (TILP) to ensure active and meaningful participation in one or more of the eligibility criteria described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, the nonminor’s appropriate supervised placement setting, and the nonminor’s permanent plan for transition to living independently, which includes maintaining or obtaining permanent connections to caring and committed adults, as set forth in paragraph (16) of subdivision (f) of Section 16501.1.

(z) “Voluntary reentry agreement” means a written voluntary agreement between a former dependent child or ward or a former nonminor dependent, who has had juvenile court jurisdiction

1 terminated pursuant to Section 391, 452, or 607.2, and the county
2 welfare or probation department or tribal placing entity that
3 documents the nonminor's desire and willingness to reenter foster
4 care, to be placed in a supervised setting under the placement and
5 care responsibility of the placing agency, the nonminor's desire,
6 willingness, and ability to immediately participate in one or more
7 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
8 (b) of Section 11403, the nonminor's agreement to work
9 collaboratively with the placing agency to develop his or her
10 transitional independent living case plan within 60 days of reentry,
11 the nonminor's agreement to report any changes of circumstances
12 relevant to continued eligibility for foster care payments, and (1)
13 the nonminor's agreement to participate in the filing of a petition
14 for juvenile court jurisdiction as a nonminor dependent pursuant
15 to subdivision (e) of Section 388 within 15 judicial days of the
16 signing of the agreement and the placing agency's efforts and
17 supportive services to assist the nonminor in the reentry process,
18 or (2) if the nonminor meets the definition of a nonminor former
19 dependent or ward, as described in subdivision (aa), the nonminor's
20 agreement to return to the care and support of his or her former
21 juvenile court-appointed guardian and meet the eligibility criteria
22 for AFDC-FC pursuant to subdivision (e) of Section 11405.

23 (aa) "Nonminor former dependent or ward" means, on and after
24 January 1, 2012, either of the following:

25 (1) A nonminor who reached 18 years of age while subject to
26 an order for foster care placement, and for whom dependency,
27 delinquency, or transition jurisdiction has been terminated, and
28 who is still under the general jurisdiction of the court.

29 (2) A nonminor who is over 18 years of age and, while a minor,
30 was a dependent child or ward of the juvenile court when the
31 guardianship was established pursuant to Section 360 or 366.26,
32 or subdivision (d), of Section 728 and the juvenile court
33 dependency or wardship was dismissed following the establishment
34 of the guardianship.

35 (ab) "Runaway and homeless youth shelter" means a type of
36 group home, as defined in paragraph (14) of subdivision (a) of
37 Section 1502 of the Health and Safety Code, that is not an eligible
38 placement option under Sections 319, 361.2, 450, and 727, and
39 that is not eligible for AFDC-FC funding pursuant to subdivision
40 (c) of Section 11402 or Section 11462.

1 (ac) “Transition dependent” is a minor between 17 years and
2 five months and 18 years of age who is subject to the court’s
3 transition jurisdiction under Section 450.

4 (ad) “Short-term residential therapeutic program” means a
5 nondetention, licensed community care facility, as defined in
6 paragraph (18) of subdivision (a) of Section 1502 of the Health
7 and Safety Code, that provides an integrated program of specialized
8 and intensive care and supervision, services and supports, and
9 treatment for the child or youth, when the child’s or youth’s case
10 plan specifies the need for, nature of, and anticipated duration of
11 this specialized treatment. Short-term residential therapeutic
12 programs shall be organized and operated on a nonprofit basis.

13 (ae) “Resource family” means an approved caregiver, as defined
14 in subdivision (c) of Section 16519.5.

15 (af) “Core Services” mean services, made available to children,
16 youth, and nonminor dependents either directly or secured through
17 formal agreement with other agencies, which are trauma informed
18 and culturally relevant as specified in Sections 11462 and 11463.

19 SEC. 85. Section 11402 of the Welfare and Institutions Code,
20 as amended by Section 14 of Chapter 25 of the Statutes of 2016,
21 is amended to read:

22 11402. In order to be eligible for AFDC-FC, a child or
23 nonminor dependent shall be placed in one of the following:

24 (a) Prior to January 1, 2020:

25 (1) The approved home of a relative, provided the child or youth
26 is otherwise eligible for federal financial participation in the
27 AFDC-FC payment.

28 (2) The approved home of a nonrelative extended family
29 member, as described in Section 362.7.

30 (3) The licensed family home of a nonrelative.

31 (b) The approved home of a resource family, as defined in
32 Section 16519.5, if either of the following is true:

33 (1) The caregiver is a nonrelative.

34 (2) The caregiver is a relative, and the child or youth is otherwise
35 eligible for federal financial participation in the AFDC-FC
36 payment.

37 (c) A small family home, as defined in paragraph (6) of
38 subdivision (a) of Section 1502 of the Health and Safety Code.

39 (d) A housing model certified by a licensed transitional housing
40 placement provider, as described in Section 1559.110 of the Health

1 and Safety Code, and as defined in subdivision (r) of Section
2 11400.

3 (e) An approved supervised independent living setting for
4 nonminor dependents, as defined in subdivision (w) of Section
5 11400.

6 (f) A licensed foster family agency, as defined in subdivision
7 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
8 1502 of the Health and Safety Code, for placement into a certified
9 or approved home used exclusively by the foster family agency.

10 (g) A short-term residential therapeutic program licensed as a
11 community care facility, as defined in subdivision (ad) of Section
12 11400 and paragraph (18) of subdivision (a) of Section 1502 of
13 the Health and Safety Code.

14 (h) An out-of-state group home that meets the requirements of
15 paragraph (2) of subdivision (c) of Section 11460, provided that
16 the placement worker, in addition to complying with all other
17 statutory requirements for placing a child or youth in an out-of-state
18 group home, documents that the requirements of Section 7911.1
19 of the Family Code have been met.

20 (i) A community treatment facility set forth in Article 5
21 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
22 4.

23 (j) A community care facility licensed pursuant to Chapter 3
24 (commencing with Section 1500) of Division 2 of the Health and
25 Safety Code and vendored by a regional center pursuant to Section
26 56004 of Title 17 of the California Code of Regulations.

27 (k) The home of a nonrelated legal guardian or the home of a
28 former nonrelated legal guardian when the guardianship of a child
29 or youth who is otherwise eligible for AFDC-FC has been
30 dismissed due to the child or youth attaining 18 years of age.

31 SEC. 86. Section 11402.01 of the Welfare and Institutions
32 Code is repealed.

33 SEC. 87. Section 11402.01 is added to the Welfare and
34 Institutions Code, to read:

35 11402.01. (a) In addition to the placements described in
36 Section 11402, a child or nonminor dependent may be eligible for
37 AFDC-FC while placed in a group home with an extension
38 pursuant to the exception process described in subdivision (d) of
39 Section 11462.04.

(b) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 88. Section 11460 of the Welfare and Institutions Code is amended to read:

11460. (a) (1) Foster care providers shall be paid a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them. The department is designated the single organizational unit whose duty it shall be to administer a state system for establishing rates in the AFDC-FC program. State functions shall be performed by the department or by delegation of the department to county welfare departments or Indian tribes, consortia of tribes, or tribal organizations that have entered into an agreement pursuant to Section 10553.1.

(2) (A) Foster care providers that care for a child in a home-based setting described in paragraph (1) of subdivision (g) of Section 11461, or in a certified home or an approved resource family of a foster family agency, shall be paid the per child per month rate as set forth in subdivision (g) of Section 11461.

(B) The basic rate paid to either a certified family home or an approved resource family of a foster family agency shall be paid by the agency to the certified family home or approved resource family from the rate that is paid to the agency pursuant to Section 11463.

(b) "Care and supervision" includes food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement. Reimbursement for the costs of educational travel, as provided for in this subdivision, shall be made pursuant to procedures determined by the department, in consultation with representatives of county welfare and probation directors, and additional stakeholders, as appropriate.

(1) For a child or youth placed in a short-term residential therapeutic program or a group home, care and supervision shall also include reasonable administration and operational activities necessary to provide the items listed in this subdivision.

(2) For a child or youth placed in a short-term residential therapeutic program or a group home, care and supervision may

1 also include reasonable activities performed by social workers
2 employed by the program provider that are not otherwise
3 considered daily supervision or administration activities.

4 (3) The department, in consultation with the California State
5 Foster Parent Association, and other interested stakeholders, shall
6 provide information to the Legislature, no later than January 1,
7 2017, regarding the availability and cost for liability and property
8 insurance covering acts committed by children in care, and shall
9 make recommendations for any needed program development in
10 this area.

11 (c) It is the intent of the Legislature to establish the maximum
12 level of financial participation in out-of-state foster care group
13 home program rates for placements in facilities described in
14 subdivision (h) of Section 11402.

15 (1) The department shall develop regulations that establish the
16 method for determining the level of financial participation in the
17 rate paid for out-of-state placements in facilities described in
18 subdivision (h) of Section 11402. The department shall consider
19 all of the following methods:

20 (A) Until December 31, 2016, a standardized system based on
21 the rate classification level of care and services per child per month.

22 (B) The rate developed for a short-term residential therapeutic
23 program pursuant to Section 11462.

24 (C) A system that considers the actual allowable and reasonable
25 costs of care and supervision incurred by the out-of-state program.

26 (D) A system that considers the rate established by the host
27 state.

28 (E) Any other appropriate methods as determined by the
29 department.

30 (2) Reimbursement for the Aid to Families with Dependent
31 Children-Foster Care rate to be paid to an out-of-state program
32 described in subdivision (h) of Section 11402 shall only be paid
33 to programs that have done all of the following:

34 (A) Submitted a rate application to the department, which shall
35 include, but not be limited to, both of the following:

36 (i) Commencing January 1, 2017, unless granted an extension
37 from the department pursuant to subdivision (d) of Section
38 11462.04, the equivalent of the mental health program approval
39 required in Section 4096.5.

(ii) Commencing January 1, 2017, unless granted an extension from the department pursuant to subdivision (d) of Section 11462.04, the national accreditation required in paragraph (6) of subdivision (b) of Section 11462.

(B) Maintained a level of financial participation that shall not exceed any of the following:

(i) The current fiscal year's standard rate for rate classification level 14 for a group home.

(ii) Commencing January 1, 2017, the current fiscal year's rate for a short-term residential therapeutic program.

(iii) The rate determined by the ratesetting authority of the state in which the facility is located.

(C) Agreed to comply with information requests, and program and fiscal audits as determined necessary by the department.

(3) Except as specifically provided for in statute, reimbursement for an AFDC-FC rate shall only be paid to a group home or short-term residential therapeutic program organized and operated on a nonprofit basis.

(d) A foster care provider that accepts payments, following the effective date of this section, based on a rate established under this section, shall not receive rate increases or retroactive payments as the result of litigation challenging rates established prior to the effective date of this section. This shall apply regardless of whether a provider is a party to the litigation or a member of a class covered by the litigation.

(e) Nothing shall preclude a county from using a portion of its county funds to increase rates paid to family homes, foster family agencies, group homes, and short-term residential therapeutic programs within that county, and to make payments for specialized care increments, clothing allowances, or infant supplements to homes within that county, solely at that county's expense.

(f) Nothing shall preclude a county from providing a supplemental rate to serve commercially sexually exploited foster children to provide for the additional care and supervision needs of these children. To the extent that federal financial participation is available, it is the intent of the Legislature that the federal funding shall be utilized.

SEC. 89. Section 11461 of the Welfare and Institutions Code is amended to read:

11461. (a) For children or, on and after January 1, 2012, nonminor dependents placed in a licensed or approved family home with a capacity of six or less, or in an approved home of a relative or nonrelated legal guardian, or the approved home of a nonrelative extended family member as described in Section 362.7, or, on and after January 1, 2012, a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rates in the following schedule shall be in effect for the period July 1, 1989, through December 31, 1989:

Age	Basic rate
0–4.....	\$ 294
5–8.....	\$ 319
9–11.....	\$ 340
12–14.....	\$ 378
15–20.....	\$ 412

(b) (1) Any county that, as of October 1, 1989, has in effect a basic rate that is at the levels set forth in the schedule in subdivision (a), shall continue to receive state participation, as specified in subdivision (c) of Section 15200, at these levels.

(2) Any county that, as of October 1, 1989, has in effect a basic rate that exceeds a level set forth in the schedule in subdivision (a), shall continue to receive the same level of state participation as it received on October 1, 1989.

(c) The amounts in the schedule of basic rates in subdivision (a) shall be adjusted as follows:

(1) Effective January 1, 1990, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 12 percent.

(2) Effective May 1, 1990, any county that did not increase the basic rate by 12 percent on January 1, 1990, shall do both of the following:

(A) Increase the basic rate in effect December 31, 1989, for which state participation is received by 12 percent.

(B) Increase the basic rate, as adjusted pursuant to subparagraph (A), by an additional 5 percent.

(3) (A) Except as provided in subparagraph (B), effective July 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule of basic rates in subdivision (a) shall be increased by an additional 5 percent.

1 (B) The rate increase required by subparagraph (A) shall not be
2 applied to rates increased May 1, 1990, pursuant to paragraph (2).

3 (4) Effective July 1, 1998, the amounts in the schedule of basic
4 rates in subdivision (a) shall be increased by 6 percent.
5 Notwithstanding any other law, the 6-percent increase provided
6 for in this paragraph shall, retroactive to July 1, 1998, apply to
7 every county, including any county to which paragraph (2) of
8 subdivision (b) applies, and shall apply to foster care for every age
9 group.

10 (5) Notwithstanding any other law, any increase that takes effect
11 after July 1, 1998, shall apply to every county, including any county
12 to which paragraph (2) of subdivision (b) applies, and shall apply
13 to foster care for every age group.

14 (6) The increase in the basic foster family home rate shall apply
15 only to children placed in a licensed foster family home receiving
16 the basic rate or in an approved home of a relative or nonrelative
17 extended family member, as described in Section 362.7, a
18 supervised independent living placement, as defined in subdivision
19 (w) of Section 11400, or a nonrelated legal guardian receiving the
20 basic rate. The increased rate shall not be used to compute the
21 monthly amount that may be paid to licensed foster family agencies
22 for the placement of children in certified foster homes.

23 (d) (1) (A) Beginning with the 1991–92 fiscal year, the
24 schedule of basic rates in subdivision (a) shall be adjusted by the
25 percentage changes in the California Necessities Index, computed
26 pursuant to the methodology described in Section 11453, subject
27 to the availability of funds.

28 (B) In addition to the adjustment in subparagraph (A) effective
29 January 1, 2000, the schedule of basic rates in subdivision (a) shall
30 be increased by 2.36 percent rounded to the nearest dollar.

31 (C) Effective January 1, 2008, the schedule of basic rates in
32 subdivision (a), as adjusted pursuant to subparagraph (B), shall be
33 increased by 5 percent, rounded to the nearest dollar. The increased
34 rate shall not be used to compute the monthly amount that may be
35 paid to licensed foster family agencies for the placement of children
36 in certified foster family homes, and shall not be used to recompute
37 the foster care maintenance payment that would have been paid
38 based on the age-related, state-approved foster family home care
39 rate and any applicable specialized care increment, for any adoption
40 assistance agreement entered into prior to October 1, 1992, or in

1 any subsequent reassessment for adoption assistance agreements
2 executed before January 1, 2008.

3 (2) (A) Any county that, as of the 1991–92 fiscal year, receives
4 state participation for a basic rate that exceeds the amount set forth
5 in the schedule of basic rates in subdivision (a) shall receive an
6 increase each year in state participation for that basic rate of
7 one-half of the percentage adjustments specified in paragraph (1)
8 until the difference between the county’s adjusted state
9 participation level for its basic rate and the adjusted schedule of
10 basic rates is eliminated.

11 (B) Notwithstanding subparagraph (A), all counties for the
12 1999–2000 fiscal year and the 2007–08 fiscal year shall receive
13 an increase in state participation for the basic rate of the entire
14 percentage adjustment described in paragraph (1).

15 (3) If a county has, after receiving the adjustments specified in
16 paragraph (2), a state participation level for a basic rate that is
17 below the amount set forth in the adjusted schedule of basic rates
18 for that fiscal year, the state participation level for that rate shall
19 be further increased to the amount specified in the adjusted
20 schedule of basic rates.

21 (e) (1) As used in this section, “specialized care increment”
22 means an amount paid on behalf of a child requiring specialized
23 care to a home listed in subdivision (g) in addition to the basic
24 rate. Notwithstanding subdivision (g), the specialized care
25 increment shall not be paid to a nonminor dependent placed in a
26 supervised independent living setting as defined in subdivision
27 (w) of Section 11403. A county may have a ratesetting system for
28 specialized care to pay for the additional care and supervision
29 needed to address the behavioral, emotional, and physical
30 requirements of foster children. A county may modify its
31 specialized care rate system as needed, to accommodate changing
32 specialized placement needs of children.

33 (2) (A) The department shall have the authority to review the
34 county’s specialized care information, including the criteria and
35 methodology used for compliance with state and federal law, and
36 to require counties to make changes if necessary to conform to
37 state and federal law.

38 (B) The department shall make available to the public each
39 county’s specialized care information, including the criteria and
40 methodology used to determine the specialized care increments.

1 (3) Upon a request by a county for technical assistance,
2 specialized care information shall be provided by the department
3 within 90 days of the request to the department.

4 (4) (A) Except for subparagraph (B), beginning January 1,
5 1990, specialized care increments shall be adjusted in accordance
6 with the methodology for the schedule of basic rates described in
7 subdivisions (c) and (d).

8 (B) Notwithstanding subdivision (e) of Section 11460, for the
9 1993–94 fiscal year, an amount equal to 5 percent of the State
10 Treasury appropriation for family homes shall be added to the total
11 augmentation for the AFDC-FC program in order to provide
12 incentives and assistance to counties in the area of specialized
13 care. This appropriation shall be used, but not limited to,
14 encouraging counties to implement or expand specialized care
15 payment systems, to recruit and train foster parents for the
16 placement of children with specialized care needs, and to develop
17 county systems to encourage the placement of children in family
18 homes. It is the intent of the Legislature that in the use of these
19 funds, federal financial participation shall be claimed whenever
20 possible.

21 (C) (i) Notwithstanding subparagraph (A), the specialized care
22 increment shall not receive a cost-of-living adjustment in the
23 2011–12 or 2012–13 fiscal years.

24 (ii) Notwithstanding clause (i), a county may choose to apply
25 a cost-of-living adjustment to its specialized care increment during
26 the 2011–12 or 2012–13 fiscal years. To the extent that a county
27 chooses to apply a cost-of-living adjustment during that time, the
28 state shall not participate in the costs of that adjustment.

29 (iii) To the extent that federal financial participation is available
30 for a cost-of-living adjustment made by a county pursuant to clause
31 (ii), it is the intent of the Legislature that the federal funding shall
32 be utilized.

33 (5) Beginning in the 2011–12 fiscal year, and for each fiscal
34 year thereafter, funding and expenditures for programs and
35 activities under this subdivision shall be in accordance with the
36 requirements provided in Sections 30025 and 30026.5 of the
37 Government Code.

38 (f) (1) As used in this section, “clothing allowance” means the
39 amount paid by a county, at the county’s option, in addition to the
40 basic rate for the provision of additional clothing for a child,

including, but not limited to, an initial supply of clothing and school or other uniforms. The frequency and level of funding shall be based on the needs of the child, as determined by the county.

(2) The state shall no longer participate in any clothing allowance in addition to the basic rate, commencing with the 2011–12 fiscal year.

(g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for a child, or on and after January 1, 2012, a nonminor dependent, placed in a licensed foster family home or with a resource family, or placed in an approved home of a relative or the approved home of a nonrelative extended family member as described in Section 362.7, or placed on and after January 1, 2012, in a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rate in the following schedule shall be in effect for the period commencing July 1, 2011, or the date specified in the final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association v. William Lightbourne, et al. (U.S. Dist. Ct. C 07-08056 WHA), whichever is earlier, through June 30, 2012:

Age	Basic rate
0–4.....	\$ 609
5–8.....	\$ 660
9–11.....	\$ 695
12–14.....	\$ 727
15–20.....	\$ 761

(2) Commencing July 1, 2011, the basic rate set forth in this subdivision shall be annually adjusted on July 1 by the annual percentage change in the California Necessities Index applicable to the calendar year within which each July 1 occurs.

(3) Subdivisions (e) and (f) shall apply to payments made pursuant to this subdivision.

(4) (A) (i) For the 2016–17 fiscal year, the department shall develop a basic rate in coordination with the development of the foster family agency rate authorized in Section 11463 that ensures a child placed in a home-based setting described in paragraph (1), and a child placed in a certified family home or with a resource

1 family approved by a foster family agency, is eligible for the same
2 basic rate set forth in this paragraph.

3 (ii) The rates developed pursuant to this paragraph shall not be
4 lower than the rates proposed as part of the Governor's 2016 May
5 Revision.

6 (iii) A certified family home of a foster family agency shall be
7 paid the basic rate set forth in this paragraph only through
8 December 31, 2017.

9 (B) The basic rate paid to either a certified family home or a
10 resource family approved by a foster family agency shall be paid
11 by the agency to the certified family home or approved resource
12 family from the rate that is paid to the agency pursuant to Section
13 11463.

14 (C) Notwithstanding the rulemaking provisions of the
15 Administrative Procedure Act (Chapter 3.5 (commencing with
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
17 Code), the basic rates and the manner in which they are determined
18 shall be set forth in written directives until regulations are adopted.

19 (D) The basic rates set forth in written directives or regulations
20 pursuant to subparagraph (C) shall become inoperative on January
21 1, 2018, unless a later enacted statute, that becomes operative on
22 or before January 1, 2018, deletes or extends the dates on which
23 they become inoperative.

24 (h) Beginning in the 2011–12 fiscal year, and each fiscal year
25 thereafter, funding and expenditures for programs and activities
26 under this section shall be in accordance with the requirements
27 provided in Sections 30025 and 30026.5 of the Government Code.

28 SEC. 90. Section 11461.2 of the Welfare and Institutions Code
29 is amended to read:

30 11461.2. (a) It is the intent of the Legislature to ensure quality
31 care for children who are placed in the continuum of AFDC-FC
32 eligible placement settings.

33 (b) The State Department of Social Services shall establish, in
34 consultation with county welfare departments and other
35 stakeholders, as appropriate, a working group to develop
36 recommended revisions to the current ratesetting system, services,
37 and programs serving children and families in the continuum of
38 AFDC-FC eligible placement settings including, at a minimum,
39 all programs provided by foster family agencies and group homes

1 including those providing residentially based services, as defined
2 in paragraph (1) of subdivision (a) of Section 18987.71.

3 (c) In developing the recommended revisions identified in
4 subdivision (b), the working group shall consider all of the
5 following:

6 (1) How ratesetting systems for foster care providers, including,
7 at least, foster family agencies and group homes, can better support
8 a continuum of programs and services that promote positive
9 outcomes for children and families. This may include a process
10 for matching the child's strengths and needs to the appropriate
11 placement setting.

12 (2) How the provision of an integrated, comprehensive set of
13 services including mental health and other critical services for
14 children and youth support the achievement of well-being,
15 permanency, and safety outcomes.

16 (3) How to ensure the provision of services in a family setting
17 that promotes normal childhood experiences and that serves the
18 needs of the child, including aftercare services, when appropriate.

19 (4) How to provide outcome-based evaluations of foster care
20 providers or other methods of measuring quality improvement
21 including measures of youth and families' satisfaction with services
22 provided and program effectiveness.

23 (5) How changes in the licensing, ratesetting, and auditing
24 processes can improve the quality of foster care providers, the
25 quality of services and programs provided, and enhance the
26 oversight of care provided to children, including, but not limited
27 to, accreditation, administrator qualifications, and the reassignment
28 of these responsibilities within the department.

29 (d) In addition to the considerations in subdivision (c), the
30 workgroup recommendations shall be based on the review and
31 evaluation of the current ratesetting systems, actual cost data, and
32 information from the provider community as well as research on
33 other applicable ratesetting methodologies, evidence-based
34 practices, information developed as a result of pilots approved by
35 the director, and any other relevant information.

36 (e) (1) The workgroup shall develop the content, format, and
37 data sources for reports to be posted by the department on a public
38 Internet Web site describing the outcomes achieved by providers
39 with foster care rates set by the department.

(2) Commencing January 1, 2017, and at least semiannually after that date, the department shall publish and make available on a public Internet Web site, short-term residential therapeutic program and foster family agency provider performance indicators.

(f) (1) Recommendations developed pursuant to this section shall include the plan required under subdivision (d) of Section 18987.7. Updates regarding the workgroup's establishment and its progress toward meeting the requirements of this section shall be provided to the Legislature during 2012–13 and 2013–14 budget hearings. The revisions recommended pursuant to the requirements of subdivision (b) shall be submitted in a report to the appropriate policy and fiscal committees of the Legislature by October 1, 2014.

(2) The requirement for submitting a report pursuant to this subdivision is inoperative on October 1, 2018, pursuant to Section 10231.5 of the Government Code.

(g) The department shall retain the authority to extend the workgroup after October 1, 2014, to ensure that the objectives of this section are met and to reconvene this workgroup as necessary to address any future recommended changes to the continuum of AFDC-FC eligible placement settings pursuant to this section.

SEC. 91. Section 11462 of the Welfare and Institutions Code, as added by Section 72 of Chapter 773 of the Statutes of 2015, is amended to read:

11462. (a) The department shall commence development of a new payment structure for short-term residential therapeutic program placements claiming Title IV-E funding, in consultation with county placing agencies and providers.

(b) The department shall develop a rate system that includes consideration of all of the following factors:

(1) Core services, made available to children and nonminor dependents either directly or secured through formal agreements with other agencies, which are trauma informed and culturally relevant and include:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services under the Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment program.

(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who

1 assume permanency through reunification, adoption, or
2 guardianship.

3 (C) Educational and physical, behavioral, and mental health
4 supports, including extracurricular activities and social supports.

5 (D) Activities designed to support transition-age youth and
6 nonminor dependents in achieving a successful adulthood.

7 (E) Services to achieve permanency, including supporting efforts
8 to reunify or achieve adoption or guardianship and efforts to
9 maintain or establish relationships with parents, siblings, extended
10 family members, tribes, or others important to the child or youth,
11 as appropriate.

12 (F) When serving Indian children, as defined in subdivisions
13 (a) and (b) of Section 224.1, the core services described in
14 subparagraphs (A) to (E), inclusive, which shall be provided to
15 eligible children consistent with active efforts pursuant to Section
16 361.7.

17 (G) (i) Facilitating the identification and, as needed, the
18 approval of resource families pursuant to Section 16519.5, for the
19 purpose of transitioning children and youth to family-based care.

20 (ii) If a short-term residential therapeutic program elects to
21 approve and monitor resource families directly, the program shall
22 comply with all laws applicable to foster family agencies,
23 including, but not limited to, those set forth in the Community
24 Care Facilities Act (Chapter 3 (commencing with Section 1500)
25 of Division 2 of the Health and Safety Code).

26 (iii) For short-term residential therapeutic programs that elect
27 to approve and monitor resource families directly, the department
28 shall have all the same duties and responsibilities as those programs
29 have for licensed foster family agencies, as set forth in applicable
30 law, including, but not limited to, those set forth in the Community
31 Care Facilities Act (Chapter 3 (commencing with Section 1500)
32 of Division 2 of the Health and Safety Code).

33 (2) The core services specified in subparagraphs (A) to (G),
34 inclusive, of paragraph (1) are not intended to duplicate services
35 already available to foster children in the community, but to support
36 access to those services and supports to the extent they are already
37 available. Those services and supports may include, but are not
38 limited to, foster youth services available through county offices
39 of education, Indian Health Services, or school-based
40 extracurricular activities.

1 (3) Specialized and intensive treatment supports that encompass
2 the elements of nonmedical care and supervision necessary to meet
3 a child's or youth's safety and other needs that cannot be met in
4 a family-based setting.

5 (4) Staff training.

6 (5) Health and Safety Code requirements.

7 (6) Accreditation that includes:

8 (A) Provision for all licensed short-term residential therapeutic
9 programs to obtain and maintain in good standing accreditation
10 from a nationally recognized accreditation agency, as identified
11 by the department, with expertise in programs for children or youth
12 group care facilities, as determined by the department.

13 (B) Promulgation by the department of information identifying
14 that agency or agencies from which accreditation shall be required.

15 (C) Provision for timely reporting to the department of any
16 change in accreditation status.

17 (7) Mental health certification, including a requirement to timely
18 report to the department any change in mental health certificate
19 status.

20 (8) Maximization of federal financial participation under Title
21 IV-E and Title XIX of the Social Security Act.

22 (c) The department shall establish rates pursuant to subdivisions
23 (a) and (b) commencing January 1, 2017. The rate structure shall
24 include an interim rate, a provisional rate for new short-term
25 residential therapeutic programs, and a probationary rate. The
26 department may issue a one-time reimbursement for accreditation
27 fees incurred after August 1, 2016, in an amount and manner
28 determined by the department in written directives.

29 (1) (A) Initial interim rates developed pursuant to this section
30 shall be effective January 1, 2017, through December 31, 2017.

31 (B) The initial interim rates developed pursuant to this paragraph
32 shall not be lower than the rates proposed as part of the Governor's
33 2016 May Revision.

34 (C) The initial interim rates set forth in written directives or
35 regulations pursuant to paragraph (3) shall become inoperative on
36 January 1, 2018, unless a later enacted statute, that becomes
37 operative on or before January 1, 2018, deletes or extends the dates
38 on which they become inoperative.

39 (D) It is the intent of the Legislature to establish an ongoing
40 payment structure no later than January 1, 2020.

1 (2) Consistent with Section 11466.01, for provisional and
2 probationary rates, the following shall be established:

3 (A) Terms and conditions, including the duration of the rate.

4 (B) An administrative review process for rate determinations,
5 including denials, reductions, and terminations.

6 (C) An administrative review process that includes a
7 departmental review, corrective action, and a protest with the
8 department. Notwithstanding the rulemaking provisions of the
9 Administrative Procedure Act (Chapter 3.5 (commencing with
10 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
11 Code), this process shall be disseminated by written directive
12 pending the promulgation of regulations.

13 (3) Notwithstanding the rulemaking provisions of the
14 Administrative Procedure Act (Chapter 3.5 (commencing with
15 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
16 Code), the initial interim rates, provisional rates, and probationary
17 rates and the manner in which they are determined shall be set
18 forth in written directives until regulations are adopted.

19 (d) The department shall develop a system of governmental
20 monitoring and oversight that shall be carried out in coordination
21 with the State Department of Health Care Services. Oversight
22 responsibilities shall include, but not be limited to, ensuring
23 conformity with federal and state law, including program, fiscal,
24 and health and safety audits and reviews. The state agencies shall
25 attempt to minimize duplicative audits and reviews to reduce the
26 administrative burden on providers.

27 SEC. 92. Section 11462.01 of the Welfare and Institutions
28 Code, as added by Section 75 of Chapter 773 of the Statutes of
29 2015, is amended to read:

30 11462.01. (a) (1) No later than 12 months following the date
31 of initial licensure, a short-term residential therapeutic program,
32 as defined in subdivision (ad) of Section 11400 of this code and
33 paragraph (18) of subdivision (a) of Section 1502 of the Health
34 and Safety Code, shall obtain a contract, subject to an agreement
35 on rates and terms and conditions, with a county mental health
36 plan to provide specialty mental health services and demonstrate
37 the ability to meet the therapeutic needs of each child, as identified
38 in any of the following:

39 (A) A mental health assessment.

40 (B) The child's case plan.

1 (C) The child's needs and services plan.

2 (D) Other documentation demonstrating the child has a mental
3 health need.

4 (2) A short-term residential therapeutic program shall comply
5 with any other mental health program approvals required by the
6 State Department of Health Care Services or by a county mental
7 health plan to which mental health program approval authority has
8 been delegated.

9 (b) A short-term residential therapeutic program may accept for
10 placement a child who meets both of the criteria in paragraphs (1)
11 and (2) and at least one of the conditions in paragraph (3).

12 (1) The child does not require inpatient care in a licensed health
13 facility.

14 (2) The child has been assessed as requiring the level of services
15 provided in a short-term residential therapeutic program in order
16 to maintain the safety and well-being of the child or others due to
17 behaviors, including those resulting from traumas, that render the
18 child or those around the child unsafe or at risk of harm, or that
19 prevent the effective delivery of needed services and supports
20 provided in the child's own home or in other family settings, such
21 as with a relative, guardian, foster family, resource family, or
22 adoptive family. The assessment shall ensure the child has needs
23 in common with other children or youth in the care of the facility,
24 consistent with subdivision (c) of Section 16514.

25 (3) The child meets at least one of the following conditions:

26 (A) The child has been assessed, pursuant to Section 4096, as
27 meeting the medical necessity criteria for Medi-Cal specialty
28 mental health services, as provided for in Section 1830.205 or
29 1830.210 of Title 9 of the California Code of Regulations.

30 (B) The child has been assessed, pursuant to Section 4096, as
31 seriously emotionally disturbed, as defined in subdivision (a) of
32 Section 5600.3.

33 (C) The child requires emergency placement pursuant to
34 paragraph (3) of subdivision (h).

35 (D) The child has been assessed, pursuant to Section 4096, as
36 requiring the level of services provided by the short-term residential
37 therapeutic program in order to meet his or her behavioral or
38 therapeutic needs.

1 (4) Subject to the requirements of this subdivision, a short-term
2 residential therapeutic program may have a specialized program
3 to serve a child, including, but not limited to, the following:

4 (A) A commercially sexually exploited child.

5 (B) A private voluntary placement, if the youth exhibits status
6 offender behavior, the parents or other relatives feel they cannot
7 control the child's behavior, and short-term intervention is needed
8 to transition the child back into the home.

9 (C) A juvenile sex offender.

10 (D) A child who is affiliated with, or impacted by, a gang.

11 (c) A foster family agency that is certified as a Medi-Cal
12 specialty mental health provider pursuant to Section 1810.435 of
13 Title 9 of the California Code of Regulations by the State
14 Department of Health Care Services, or by a county mental health
15 plan to which the department has delegated certification authority,
16 and which has entered into a contract with a county mental health
17 plan pursuant to Section 1810.436 of Title 9 of the California Code
18 of Regulations, shall provide, or provide access to, specialty mental
19 health services to children under its care who do not require
20 inpatient care in a licensed health facility and who meet the medical
21 necessity criteria for Medi-Cal specialty mental health services
22 provided for in Section 1830.205 or 1830.210 of Title 9 of the
23 California Code of Regulations.

24 (d) A foster family agency that is not certified as a Medi-Cal
25 specialty mental health provider shall provide access to specialty
26 and non-specialty mental health services in that program for
27 children who do not require inpatient care in a licensed health
28 facility and who meet any of the conditions in paragraph (3) of
29 subdivision (b). In this situation the foster family agency shall do
30 the following:

31 (1) In the case of a child who is a Medi-Cal beneficiary, arrange
32 for specialty mental health services from the county mental health
33 plan.

34 (2) In all other cases, arrange for the child to receive mental
35 health services.

36 (e) All short-term residential therapeutic programs shall maintain
37 the level of care and services necessary to meet the needs of the
38 children and youth in their care and shall maintain and have in
39 good standing the appropriate mental health program approval that
40 includes a certification to provide Medi-Cal specialty mental health

1 services issued by the State Department of Health Care Services
2 or a county mental health plan to which the department has
3 delegated mental health program approval authority, pursuant to
4 Section 4096.5 of this code or Section 1810.435 or 1810.436 of
5 Title 9 of the California Code of Regulations. All foster family
6 agencies that are certified as a Medi-Cal specialty mental health
7 provider pursuant to Section 1810.435 of Title 9 of the California
8 Code of Regulations shall maintain the level of care and services
9 necessary to meet the needs of children and youth in their care and
10 shall maintain and have in good standing the Medi-Cal specialty
11 mental health provider certification issued by the State Department
12 of Health Care Services or a county mental health plan to which
13 the department has delegated certification authority.

14 (f) The assessments described in subparagraphs (A), (B), (C),
15 and (D) of paragraph (3) of subdivision (b) shall ensure the child's
16 individual behavioral or treatment needs are consistent with, and
17 can be met by, the facility and shall be made by one of the
18 following, as applicable:

19 (1) An interagency placement committee, as described in Section
20 4096, considering the recommendations from the child and family
21 team, if any are available. If the short-term residential therapeutic
22 program serves children who are placed by county child welfare
23 agencies and children who are placed by probation departments,
24 the interagency placement committee shall also ensure the
25 requirements of subdivision (c) of Section 16514 have been met
26 with respect to commonality of need.

27 (2) A licensed mental health professional as defined in
28 subdivision (g) of Section 4096.

29 (3) For the purposes of this section, an AFDC-FC funded child
30 with an individualized education program developed pursuant to
31 Article 2 (commencing with Section 56320) of Chapter 4 of Part
32 30 of Division 4 of Title 2 of the Education Code that assesses the
33 child as seriously emotionally disturbed, as defined in, and subject
34 to, this section and recommends out-of-home placement at the
35 level of care provided by the provider, shall be deemed to have
36 met the assessment requirement.

37 (g) The evaluation described in subparagraph (A) of paragraph
38 (3) of subdivision (h) shall be made pursuant to subdivision (b) of
39 Section 706.6 or paragraph (2) of subdivision (c) of Section
40 16501.1.

1 (h) (1) The provider shall ensure that AFDC-FC funded
2 children, assessed pursuant to subparagraphs (A) and (B) of
3 paragraph (3) of subdivision (b), who are accepted for placement
4 have been approved for placement by an interagency placement
5 committee, as described in Section 4096, except as provided for
6 in paragraphs (3) and (4) of subdivision (f).

7 (2) The approval shall be in writing and shall indicate that the
8 interagency placement committee has determined one of the
9 following:

10 (A) The child meets the medical necessity criteria for Medi-Cal
11 specialty mental health services, as provided for in Section
12 1830.205 or 1830.210 of Title 9 of the California Code of
13 Regulations.

14 (B) The child is seriously emotionally disturbed, as described
15 in subdivision (a) of Section 5600.3.

16 (3) (A) Nothing in subdivisions (a) to (h), inclusive, or this
17 subdivision shall prevent an emergency placement of a child or
18 youth into a certified short-term residential therapeutic program
19 prior to the determination by the interagency placement committee,
20 but only if a licensed mental health professional, as defined in
21 subdivision (g) of Section 4096, has made a written determination
22 within 72 hours of the child's or youth's placement, that the child
23 or youth requires the level of services and supervision provided
24 by the short-term residential therapeutic program in order to meet
25 his or her behavioral or therapeutic needs. If the short-term
26 residential therapeutic program serves children placed by county
27 child welfare agencies and children placed by probation
28 departments, the interagency placement committee shall also ensure
29 the requirements of subdivision (c) of Section 16514 have been
30 met with respect to commonality of need.

31 (i) The interagency placement committee, as appropriate, shall,
32 within 30 days of placement, make the determinations, with
33 recommendations from the child and family team, required by this
34 subdivision.

35 (ii) If it determines the placement is appropriate, the interagency
36 placement committee, with recommendations from the child and
37 family team, shall transmit the approval, in writing, to the county
38 placing agency and the short-term residential therapeutic program.

1 (iii) If it determines the placement is not appropriate, the
2 interagency placement committee shall respond pursuant to
3 subparagraph (B).

4 (B) (i) If the interagency placement committee determines at
5 any time that the placement is not appropriate, it shall, with
6 recommendations from the child and family team, transmit the
7 disapproval, in writing, to the county placing agency and the
8 short-term residential therapeutic program and shall include a
9 recommendation as to the child's appropriate level of care and
10 placement to meet his or her service needs. The necessary
11 interagency placement committee representative or representatives
12 shall participate in any child and family team meetings to refer the
13 child or youth to an appropriate placement, as specified in this
14 section.

15 (ii) The child may remain in the placement for the amount of
16 time necessary to identify and transition the child to an alternative,
17 suitable placement.

18 (iii) Notwithstanding clause (ii), if the interagency placement
19 committee determined the placement was not appropriate due to
20 a health and safety concern, immediate arrangements for the child
21 to transition to an appropriate placement shall occur.

22 (i) Commencing January 1, 2017, for AFDC-FC funded children
23 or youth, only those children or youth who are approved for
24 placement, as set forth in this section, may be accepted by a
25 short-term residential therapeutic program.

26 (j) The department shall, through regulation, establish
27 consequences for the failure of a short-term residential therapeutic
28 program to obtain written approval for placement of an AFDC-FC
29 funded child or youth pursuant to this section.

30 (k) The department shall not establish a rate for a short-term
31 residential therapeutic program unless the provider submits a
32 recommendation from the host county or the primary placing
33 county that the program is needed and that the provider is willing
34 and capable of operating the program at the level sought. For
35 purposes of this subdivision, "host county," and "primary placing
36 county," mean the same as defined in the department's AFDC-FC
37 ratesetting regulations.

38 (l) Any certified short-term residential therapeutic program shall
39 be reclassified and paid at the appropriate program rate for which
40 it is qualified if either of the following occurs:

1 (1) (A) It fails to maintain the level of care and services
2 necessary to meet the needs of the children and youth in care, as
3 required by subdivision (a). The determination shall be made
4 consistent with the department's AFDC-FC ratesetting regulations
5 developed pursuant to Section 11462 and shall take into
6 consideration the highest level of care and associated rates for
7 which the program may be eligible if granted an extension pursuant
8 to Section 11462.04 or any reduction in rate associated with a
9 provisional or probationary rate granted or imposed under Section
10 11466.01.

11 (B) In the event of a determination under this paragraph, the
12 short-term residential therapeutic program may appeal the finding
13 or submit a corrective action plan. The appeal process specified
14 in Section 11466.6 shall be available to a short-term residential
15 therapeutic program that provides intensive and therapeutic
16 treatment. During any appeal, the short-term residential therapeutic
17 program that provides intensive and therapeutic treatment shall
18 maintain the appropriate level of care.

19 (2) It fails to maintain a certified mental health treatment
20 program as required by subdivision (e).

21 (m) In addition to any other review required by law, the child
22 and family team as defined in paragraph (4) of subdivision (a) of
23 Section 16501 may periodically review the placement of the child
24 or youth. If the child and family team make a recommendation
25 that the child or youth no longer needs, or is not benefiting from,
26 placement in a short-term residential therapeutic program, the team
27 shall transmit the disapproval, in writing, to the county placing
28 agency to consider a more appropriate placement.

29 (n) The department shall develop a process to address
30 placements when, subsequent to the child's or youth's placement,
31 a determination is made by the interagency placement team and
32 shall consider the recommendations of the child and family team,
33 either that the child or youth is not in need of the care and services
34 provided by the certified program. The process shall include, but
35 not be limited to:

36 (1) Notice of the determination in writing to both the county
37 placing agency and the short-term residential therapeutic program
38 or foster family agency that provides intensive and therapeutic
39 treatment.

(2) Notice of the county's plan, and a time frame, for removal of the child or youth in writing to the short-term residential therapeutic program that provides intensive and therapeutic treatment.

(3) Referral to an appropriate placement.

(4) Actions to be taken if a child or youth is not timely removed from the short-term residential therapeutic program that provides intensive and therapeutic treatment or placed in an appropriate placement.

(o) (1) Nothing in this section shall prohibit a short-term residential therapeutic program from accepting private placements of children or youth.

(2) When a referral is not from a public agency and no public funding is involved, there is no requirement for public agency review or determination of need.

(3) Children and youth subject to paragraphs (1) and (2) shall have been determined to be seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.4 of the Health and Safety Code, by a licensed mental health professional, as defined in subdivision (g) of Section 4096.

SEC. 92.5. Section 11462.01 of the Welfare and Institutions Code, as added by Section 75 of Chapter 773 of the Statutes of 2015, is amended to read:

~~11462.01. (a) A short-term residential treatment center, (1) No later than 12 months following the date of initial licensure, a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 and paragraph (18) of this code and subparagraph (R) of paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code, may have a program that is certified by the State Department of Health Care Services or by a county mental health plan to which the department has delegated certification authority, pursuant to Section 4096.5, or a program that is not certified, or both. A short-term residential treatment center shall accept for placement children who meet all of the following criteria, subject to the other requirements of subdivisions (b) and (c): shall obtain a contract, subject to an agreement on rates and terms and conditions, with a county mental health plan to provide specialty mental health services and demonstrate the ability to meet the therapeutic needs of each child, as identified in any of the following:~~

1 (A) *A mental health assessment.*

2 (B) *The child's case plan.*

3 (C) *The child's needs and services plan.*

4 (D) *Other documentation demonstrating the child has a mental*
5 *health need.*

6 (2) *A short-term residential therapeutic program shall comply*
7 *with any other mental health program approvals required by the*
8 *State Department of Health Care Services or by a county mental*
9 *health plan to which mental health program approval authority*
10 *has been delegated.*

11 (b) *Except as otherwise specified in subdivision (c), a short-term*
12 *residential therapeutic program may accept for placement a child*
13 *who meets both of the criteria in paragraphs (1) and (2) and at*
14 *least one of the conditions in paragraph (3).*

15 (1) *The child does not require inpatient care in a licensed health*
16 *facility.*

17 (2) *The child has been assessed as requiring the level of services*
18 *provided in a short-term residential-treatment-center therapeutic*
19 *program in order to maintain the safety and well-being of the child*
20 *or others due to behaviors, including those resulting from traumas,*
21 *that render the child or those around the child unsafe or at risk of*
22 *harm, or that prevent the effective delivery of needed services and*
23 *supports provided in the child's own home or in other family*
24 *settings, such as with a relative, guardian, foster family, resource*
25 *family, or adoptive family. The assessment shall ensure the child*
26 *has needs in common with other children or youth in the care of*
27 *the facility, consistent with subdivision (c) of Section 16514.*

28 (3) *The child meets at least one of the following conditions:*

29 (A) *The child has been-assessed assessed, pursuant to Section*
30 *4096, as meeting the medical necessity criteria for Medi-Cal*
31 *specialty mental health-Early and Periodic Screening, Diagnosis,*
32 *and Treatment Services, as the criteria are described in Section*
33 *services, as provided for in Section 1830.205 or 1830.210 of Title*
34 *9 of the California Code of Regulations.*

35 (B) *The child has been-assessed assessed, pursuant to Section*
36 *4096, as seriously emotionally disturbed, as described in*
37 *subdivision (a) of Section 5600.3.*

38 (C) *The child requires emergency placement pursuant to*
39 *paragraph (3) of subdivision (i).*

40 (E)

(D) The child has been ~~assessed~~ *assessed, pursuant to Section 4096, as requiring the level of services provided by the short-term residential therapeutic program* in order to meet his or her behavioral or therapeutic needs. ~~In appropriate circumstances, this may include any of the following:~~

(4) *Subject to the requirements of this subdivision, a short-term residential therapeutic program may have a specialized program to serve a child, including, but not limited to, the following:*

(i)

(A) A commercially sexually exploited child.

(ii)

(B) A private voluntary placement, if the youth exhibits status offender behavior, the parents or other relatives feel they cannot control the child's behavior, and short-term intervention is needed to transition the child back into the home.

(iii)

(C) A juvenile sex offender.

(iv)

(D) A child who is affiliated with, or impacted by, a gang.

~~(b) A short-term residential treatment center program that is certified by the State Department of Health Care Services, or by a county mental health plan to which the department has delegated certification authority, pursuant to Section 4096.5, shall solely accept for placement, and provide access to mental health services to, children who meet the criteria in paragraphs (1) and (2) of subdivision (a), and meet the conditions of subparagraph (A) or (B) of paragraph (3) of subdivision (a), or both of those subparagraphs. Mental health services are provided directly by the certified program.~~

~~(c) A short-term residential treatment center program that is not certified pursuant to Section 4096.5 shall solely accept for placement in that program a child who meets the criteria in paragraphs (1) and (2) of subdivision (a), and meets the conditions of subparagraph (A), (B), or (C) of paragraph (3) of subdivision (a), or any combination of those subparagraphs. A child who meets the conditions of subparagraphs (A) and (B) of paragraph (3) of subdivision (a) may be accepted for placement, if the interagency placement committee determines that a short-term residential treatment facility that is not certified has a program that meets the specific needs of the child and there is a commonality of needs~~

1 with the other children in the short-term residential treatment
2 center. In this situation, the short-term residential treatment center
3 shall do either of the following:

4 (1) In the case of a child who is a Medi-Cal beneficiary, arrange
5 for the child to receive specialty mental health services from the
6 county mental health plan.

7 (2) In all other cases, arrange for the child to receive mental
8 health services.

9 (d) A foster family agency, as defined in subdivision (g) of
10 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
11 of the Health and Safety Code, may have a program that is certified
12 by the State Department of Health Care Services, or by a county
13 mental health plan to which the department has delegated
14 certification authority, pursuant to Section 1810.435 or 1810.436
15 of Title 9 of the California Code of Regulations, or a program that
16 is not certified, or both. A program, subject to subdivisions (e) and
17 (f), shall provide access to mental health services to the children.
18 A foster family agency, depending on whether or not it has a
19 certified program, shall provide access to mental health services
20 to children who do not require inpatient care in a licensed health
21 facility and who meet any one or more of the following conditions:

22 (1) A child who has been assessed as meeting the medical
23 necessity criteria for specialty mental health services under the
24 Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment
25 benefit, as the criteria are described in Section 1830.210 of Title
26 9 of the California Code of Regulations.

27 (2) A child who has been assessed as seriously emotionally
28 disturbed, as described in subdivision (a) of Section 5600.3.

29 (3) A child who has been assessed as requiring the level of
30 services to meet his or her behavioral or therapeutic needs.

31 (c) A short-term residential therapeutic program that is
32 operating as a children's crisis residential center, as defined in
33 Section 1502 of the Health and Safety Code, may accept for
34 admission or placement any child, referred by a parent or
35 guardian, or by the representative of a public or private entity,
36 including, but not limited to, the county probation agency or child
37 welfare services agency with responsibility for the placement of a
38 child in foster care, that has the right to make these decisions on
39 behalf of a child who is in mental health crisis and, absent
40 admission to a children's crisis residential center, would otherwise

1 *require acceptance by the emergency department of a general*
2 *hospital, or admission into a psychiatric hospital or the psychiatric*
3 *inpatient unit of a general hospital.*

4 ~~(e)~~

5 *(d) A foster family agency that is certified as a Medi-Cal*
6 *specialty mental health provider pursuant to Section 1810.435 or*
7 *1810.436 of Title 9 of the California Code of Regulations by the*
8 *State Department of Health Care Services, or by a county mental*
9 *health plan to which the department has delegated certification*
10 *authority, shall provide access to and which has entered into a*
11 *contract with a county mental health plan pursuant to Section*
12 *1810.436 of Title 9 of the California Code of Regulations, shall*
13 *provide, or provide access to, specialty mental health services*
14 *directly to children in its program under its care who do not require*
15 *inpatient care in a licensed health facility and who meet the*
16 *conditions of paragraph (1) or (2) of subdivision (d); medical*
17 *necessity criteria for Medi-Cal specialty mental health services*
18 *provided for in Section 1830.205 or 1830.210 of Title 9 of the*
19 *California Code of Regulations.*

20 ~~(f)~~

21 *(e) A foster family agency that is not certified as described in*
22 *subdivision (e) may provide access to a Medi-Cal specialty mental*
23 *health provider shall provide access to specialty and non-specialty*
24 *mental health services in that program for children who do not*
25 *require inpatient care in a licensed health facility and who meet*
26 *the conditions of paragraphs (1) and (2) of subdivision (d); any of*
27 *the conditions in paragraph (3) of subdivision (b). In this situation*
28 *the foster family agency shall do the following:*

29 *(1) In the case of a child who is a Medi-Cal beneficiary, have*
30 *written interagency protocols in place to arrange for specialty*
31 *mental health services from the county mental health plan or an*
32 *organizational provider, as defined in Section 1810.231 of Title 9*
33 *of California Code of Regulations; plan.*

34 *(2) In all other cases, arrange for the child to receive mental*
35 *health services.*

36 ~~(g)~~

37 *(f) All short-term residential treatment centers and foster family*
38 *agencies that operate a certified program therapeutic programs*
39 *shall maintain the level of care and services necessary to meet the*
40 *needs of the children and youth in their care and shall maintain*

1 and have in good standing the appropriate mental health
2 ~~certification~~ *program approval that includes a certification to*
3 *provide Medi-Cal specialty mental health services* issued by the
4 State Department of Health Care Services or a county mental health
5 plan to which the department has delegated ~~certification~~ *mental*
6 *health program approval* authority, pursuant to Section 4096.5 of
7 this code or Section 1810.435 or 1810.436 of Title 9 of the
8 California Code of Regulations. *All foster family agencies that are*
9 *certified as a Medi-Cal specialty mental health provider pursuant*
10 *to Section 1810.435 of Title 9 of the California Code of Regulations*
11 *shall maintain the level of care and services necessary to meet the*
12 *needs of children and youth in their care and shall maintain and*
13 *have in good standing the Medi-Cal specialty mental health*
14 *provider certification issued by the State Department of Health*
15 *Care Services or a county mental health plan to which the*
16 *department has delegated certification authority.*

17 ~~(h)~~
18 (g) The assessments described in subparagraphs ~~(A) and (B)~~
19 ~~(A), (B), (C), and (D)~~ of paragraph (3) of subdivision ~~(a) and~~
20 ~~paragraphs (1) and (2) of subdivision (d)~~; *(b) shall ensure the*
21 *child's individual behavioral or treatment needs are consistent*
22 *with, and can be met by, the facility and shall be made by all one*
23 *of the following, as applicable:*

24 (1) An interagency placement committee, as described in Section
25 4096, considering the recommendations from the child and family
26 team, if any are available. *If the short-term residential therapeutic*
27 *program serves children who are placed by county child welfare*
28 *agencies and children who are placed by probation departments,*
29 *the interagency placement committee shall also ensure the*
30 *requirements of subdivision (c) of Section 16514 have been met*
31 *with respect to commonality of need.*

32 (2) A licensed mental health professional as defined in
33 subdivision (g) of Section 4096.

34 (3) For the purposes of this section, an AFDC-FC funded child
35 with an individualized education program developed pursuant to
36 Article 2 (commencing with Section 56320) of Chapter 4 of Part
37 30 of Division 4 of Title 2 of the Education Code that assesses the
38 child as seriously emotionally disturbed, as defined in, and subject
39 to, this section and recommends out-of-home placement at the

1 level of care provided by the provider, shall be deemed to have
2 met the assessment requirement.

3 ~~(4) For the purposes of this section, and only for placement into~~
4 ~~a foster family agency, an AFDC-FC funded child assessed~~
5 ~~pursuant to subdivision (b) of Section 706.6 or paragraph (2) of~~
6 ~~subdivision (c) of Section 16501.1, in consultation with a mental~~
7 ~~health professional, as defined in subdivision (g) of Section 4096.5,~~
8 ~~shall be deemed to have met the assessment requirement.~~

9 (i)

10 ~~(h) The assessments evaluation described in subparagraph (C)~~
11 ~~(A) of paragraph (3) of subdivision (a) and paragraph (3) of~~
12 ~~subdivision (d) (i) shall be made pursuant to subdivision (b) of~~
13 ~~Section 706.6 or paragraph (2) of subdivision (c) of Section~~
14 ~~16501.1.~~

15 (j)

16 (i) (1) The provider shall ensure that AFDC-FC funded children,
17 assessed pursuant to subparagraphs (A) and (B) of paragraph (3)
18 of subdivision (a) or paragraphs (1) and (2) of subdivision (d), (b),
19 who are accepted for placement have been approved for placement
20 by an interagency placement committee, as described in Section
21 4096, except as provided for in paragraphs (3) and (4) of
22 subdivision (h): (g).

23 (2) The approval shall be in writing and shall indicate that the
24 interagency placement committee has determined ~~all~~ *one* of the
25 following:

26 (A) The child meets the medical necessity criteria for Medi-Cal
27 specialty mental health ~~Early and Periodic Screening, Diagnosis,~~
28 ~~and Treatment services, as the criteria are described in Section~~
29 ~~services, as provided for in Section 1830.205 or 1830.210 of Title~~
30 ~~9 of the California Code of Regulations.~~

31 (B) The child is seriously emotionally disturbed, as described
32 in subdivision (a) of Section 5600.3.

33 ~~(C) Subject to Section 1502.4 of the Health and Safety Code,~~
34 ~~the child needs the level of care provided by the program.~~

35 (3) (A) Nothing in subdivisions (a) to (i); (h), inclusive, or this
36 subdivision shall prevent an emergency placement of a child or
37 youth into a certified short-term residential ~~treatment center or~~
38 ~~foster family agency program therapeutic program or children's~~
39 ~~crisis residential center~~ prior to the determination by the
40 interagency placement committee, but only if a licensed mental

1 health professional, as defined in subdivision (g) of Section 4096,
 2 has made a written determination within 72 hours of the child's
 3 or youth's placement, that the child or youth ~~is seriously~~
 4 ~~emotionally disturbed~~ *requires the level of services and supervision*
 5 *provided by the short-term residential therapeutic program in*
 6 *order to meet his or her behavioral or therapeutic needs, or has*
 7 *made a written determination within 24 hours of the child's or*
 8 *youth's placement in a children's crisis residential center that the*
 9 *child or youth is experiencing a mental health crisis as defined in*
 10 *subdivision (c) and is in need of the care and services provided by*
 11 ~~the certified short-term residential treatment center or foster family~~
 12 ~~agency.~~ *children's crisis residential center. If the short-term*
 13 *residential therapeutic program serves children placed by county*
 14 *child welfare agencies and children placed by probation*
 15 *departments, the interagency placement committee shall also*
 16 *ensure the requirements of subdivision (c) of Section 16514 have*
 17 *been met with respect to commonality of need.*

18 (i) The interagency placement committee, as appropriate, shall,
 19 within 30 days of placement, make the determinations, with
 20 recommendations from the child and family team, required by this
 21 subdivision.

22 (ii) If it determines the placement is appropriate, the interagency
 23 placement committee, with recommendations from the child and
 24 family team, shall transmit the approval, in writing, to the county
 25 placing agency and the short-term residential ~~treatment center or~~
 26 ~~foster family agency.~~ *therapeutic program.*

27 (iii) If it determines the placement is not appropriate, the
 28 interagency placement committee shall respond pursuant to
 29 subparagraph (B).

30 (B) (i) If the interagency placement committee determines at
 31 any time that the placement is not appropriate, it shall, with
 32 recommendations from the child and family team, transmit the
 33 disapproval, in writing, to the county placing agency and the
 34 short-term residential ~~treatment center or foster family agency,~~
 35 ~~and~~ *therapeutic program and shall include a recommendation as*
 36 *to the child's appropriate level of care and placement to meet his*
 37 *or her service needs. The necessary interagency placement*
 38 *committee representative or representatives shall participate in*
 39 *any child and family team meetings to refer the child or youth shall*
 40 *be referred to an appropriate placement, as specified in this section.*

1 (ii) *The child may remain in the placement for the amount of*
2 *time necessary to identify and transition the child to an alternative,*
3 *suitable placement.*

4 (iii) *Notwithstanding clause (ii), if the interagency placement*
5 *committee determined the placement was not appropriate due to*
6 *a health and safety concern, immediate arrangements for the child*
7 *to transition to an appropriate placement shall occur.*

8 ~~(k)~~

9 (j) Commencing January 1, 2017, for AFDC-FC funded children
10 or youth, only those children or youth who are approved for
11 placement, as set forth in this section, may be accepted by a
12 short-term residential ~~treatment center or foster family agency~~.
13 *therapeutic program.*

14 ~~(l)~~

15 (k) The department shall, through regulation, establish
16 consequences for the failure of a short-term residential ~~treatment~~
17 ~~center, or a foster family agency, therapeutic program~~ to obtain
18 written approval for placement of an AFDC-FC funded child or
19 youth pursuant to this section.

20 ~~(m)~~

21 (l) The department shall not establish a rate for a short-term
22 residential ~~treatment center or foster family agency~~ *therapeutic*
23 *program* unless the provider submits a recommendation from the
24 host county or the primary placing county that the program is
25 needed and that the provider is willing and capable of operating
26 the program at the level sought. For purposes of this subdivision,
27 “host county,” and “primary placing county,” mean the same as
28 defined in the department’s AFDC-FC ratesetting regulations.

29 ~~(n)~~

30 (m) Any certified short-term residential ~~treatment center or~~
31 ~~foster family agency~~ *therapeutic program* shall be reclassified and
32 paid at the appropriate program rate for which it is qualified if
33 either of the following occurs:

34 (1) (A) It fails to maintain the level of care and services
35 necessary to meet the needs of the children and youth in care, as
36 required by subdivision (a). The determination shall be made
37 consistent with the department’s AFDC-FC ratesetting regulations
38 developed pursuant to ~~Sections 11462 and 11463~~ *Section 11462*
39 and shall take into consideration the highest level of care and
40 associated rates for which the program ~~is eligible.~~ *may be eligible*

1 *if granted an extension pursuant to Section 11462.04 or any*
2 *reduction in rate associated with a provisional or probationary*
3 *rate granted or imposed under Section 11466.01.*

4 (B) In the event of a determination under this paragraph, the
5 short-term residential ~~treatment center or foster family agency~~
6 *therapeutic program* may appeal the finding or submit a corrective
7 action plan. The appeal process specified in Section 11466.6 shall
8 be available to a short-term residential ~~treatment center or foster~~
9 ~~family agency~~ *therapeutic program* that provides intensive and
10 therapeutic treatment. During any appeal, the short-term residential
11 ~~treatment center or foster family agency~~ *therapeutic program* that
12 provides intensive and therapeutic treatment shall maintain the
13 appropriate level of care.

14 (2) It fails to maintain a certified mental health treatment
15 program as required by subdivision ~~(g)~~: (f).

16 ~~(e)~~

17 (n) In addition to any other review required by law, the child
18 and family team as defined in paragraph (4) of subdivision (a) of
19 Section 16501 may periodically review the placement of the child
20 or youth. If the child and family team make a recommendation
21 that the child or youth no longer needs, or is not benefiting from,
22 placement in a short-term residential ~~treatment center or foster~~
23 ~~family agency, or one of its programs,~~ *therapeutic program*, the
24 team shall transmit the disapproval, in writing, to the county
25 placing agency to consider a more appropriate placement.

26 ~~(p)~~

27 (o) The department shall develop a process to address
28 placements when, subsequent to the child's or youth's placement,
29 a determination is made by the interagency placement team and
30 shall consider the recommendations of the child and family team,
31 either that the child or youth is not in need of the care and services
32 provided by the certified program. The process shall include, but
33 not be limited to:

34 (1) Notice of the determination in writing to both the county
35 placing agency and the short-term residential ~~treatment center~~
36 ~~therapeutic program~~ or foster family agency that provides intensive
37 and therapeutic treatment.

38 (2) Notice of the county's plan, and a time frame, for removal
39 of the child or youth in writing to the short-term residential

1 ~~treatment center or foster family agency therapeutic program~~ that
2 provides intensive and therapeutic treatment.

3 (3) Referral to an appropriate placement.

4 (4) Actions to be taken if a child or youth is not timely removed
5 from the short-term residential ~~treatment center or foster family~~
6 ~~agency therapeutic program~~ that provides intensive and therapeutic
7 treatment or placed in an appropriate placement.

8 ~~(q)~~

9 (p) (1) Nothing in this section shall prohibit a short-term
10 residential ~~treatment center or foster family agency therapeutic~~
11 ~~program~~ from accepting private placements of children or youth.

12 (2) When a referral is not from a public agency and no public
13 funding is involved, there is no requirement for public agency
14 review ~~nor~~ or determination of need.

15 (3) Children and youth subject to paragraphs (1) and (2) shall
16 have been determined to be seriously emotionally disturbed, as
17 described in subdivision (a) of Section 5600.3, and subject to
18 Section 1502.4 of the Health and Safety Code, by a licensed mental
19 health professional, as defined in subdivision (g) of Section 4096.

20 ~~(r) This section shall become operative on January 1, 2017.~~

21 SEC. 93. Section 11462.02 of the Welfare and Institutions
22 Code, as added by Section 78 of Chapter 773 of the Statutes of
23 2015, is amended to read:

24 11462.02. (a) Any existing county-operated foster family
25 agency or group home, including the group home operated by the
26 County of San Mateo, shall, commencing January 1, 2017, be
27 classified as, and shall meet all of the requirements of, a foster
28 family agency or a short-term residential therapeutic program, as
29 defined respectively in subdivisions (g) and (ad) of Section 11400,
30 to be eligible to receive AFDC-FC funds.

31 (b) Notwithstanding any other law, the State Department of
32 Social Services may license a county as a foster family agency or
33 as a short-term residential therapeutic program.

34 (c) If a county exercises its option to operate a foster family
35 agency or a short-term residential therapeutic program, the county
36 shall submit an application and shall comply with the requirements
37 of Chapter 3 (commencing with Section 1500) of Division 2 of
38 the Health and Safety Code related to foster family agency
39 programs or a short-term residential therapeutic program, as
40 applicable.

1 (d) A county that requests, and is granted, a license for a foster
2 family agency or short-term residential therapeutic program shall
3 apply for an AFDC-FC rate pursuant to Section 11462 or 11463,
4 as applicable.

5 (e) As a condition for eligibility for an AFDC-FC rate for a
6 short-term residential therapeutic program or a foster family
7 agency, the county shall comply with all applicable law concerning
8 a short-term residential therapeutic program or foster family
9 agency, including, but not limited to, the following provisions
10 related to licensing, rate, audit, due process, enforcement, and
11 overpayment collection:

12 (1) Chapter 3 (commencing with Section 1500) of Division 2
13 of the Health and Safety Code.

14 (2) Article 10 (commencing with Section 360) of Chapter 2 of
15 Part 1 of Division 2 of this code.

16 (3) Article 18 (commencing with Section 725) of Chapter 2 of
17 Part 1 of Division 2 of this code.

18 (4) Article 22 (commencing with Section 825) of Chapter 2 of
19 Part 1 of Division 2 of this code.

20 (5) Article 5 (commencing with Section 11400) of Chapter 2
21 of Part 3 of Division 9 of this code.

22 (6) Article 6 (commencing with Section 11450) of Chapter 2
23 of Part 3 of Division 9 of this code.

24 (f) The state is not obligated under Section 36 of Article XIII
25 of the California Constitution to provide any annual funding to a
26 county to comply with this section; with any regulation, executive
27 order, or administrative order implementing this section; or with
28 any federal statute or regulation related to this section, because
29 the county's operation of a licensed short-term residential
30 therapeutic program or foster family agency is optional for the
31 county and is not required by this section.

32 (g) Counties licensed to operate a foster family agency or
33 short-term residential therapeutic program shall, as a condition to
34 receiving payment, ensure that its conflict-of-interest mitigation
35 plan, submitted to the department pursuant to subdivision (d) of
36 Section 1506.1 and subdivision (d) of Section 1562.01 of the Health
37 and Safety Code, addresses, but is not limited to, the following:

38 (1) A decision to place children and youth in a county-operated
39 facility when alternative appropriate placement options exist.

1 (2) The reporting by county staff to the department or other
2 agencies of observed noncompliant conditions or health and safety
3 concerns in county-operated foster family agencies or short-term
4 residential therapeutic programs.

5 (3) The cross-reporting of reports received from mandatory
6 child abuse and neglect reporters involving county-operated foster
7 family agencies and short-term residential therapeutic programs.

8 (4) Disclosures of fatalities and near fatalities of children placed
9 in county-operated foster family agencies and short-term residential
10 therapeutic programs.

11 (h) This section shall become operative on January 1, 2017.

12 SEC. 94. Section 11462.04 of the Welfare and Institutions
13 Code, as added by Section 82 of Chapter 773 of the Statutes of
14 2015, is amended to read:

15 11462.04. (a) Notwithstanding any other law, commencing
16 January 1, 2017, no new group home rate or change to an existing
17 rate shall be established pursuant to the Rate Classification Level
18 (RCL) system.

19 (b) Notwithstanding subdivision (a), the department may grant
20 an exception as appropriate, on a case-by-case basis, when a written
21 request and supporting documentation are provided by a county
22 placing agency, including a county welfare or probation director,
23 that absent the granting of that exception, there is a material risk
24 to the welfare of children due to an inadequate supply of
25 appropriate alternative placement options to meet the needs of
26 children.

27 (c) For group homes being paid under the RCL system, and
28 those granted an exception pursuant to paragraph (b), group home
29 rates shall terminate on December 31, 2016, unless granted an
30 extension under the exception process in subdivision (d).

31 (d) A group home may request an exception to extend its rate
32 as follows:

33 (1) The department may grant an extension for up to two years,
34 through December 31, 2018, except as provided in paragraph (2),
35 on a case-by-case basis, when a written request and supporting
36 documentation are provided by a county placing agency, including
37 a county welfare or probation director, that absent the granting of
38 that exception, there is a material risk to the welfare of children
39 due to an inadequate supply of appropriate alternative placement
40 options to meet the needs of children. The exception may include

1 time to meet the program accreditation requirement or the mental
2 health certification requirement.

3 (2) Pursuant to Section 11462.041, after the expiration of the
4 extension afforded in paragraph (1), the department may grant an
5 additional extension to a group home beyond December 31, 2018,
6 upon a provider submitting a written request and the county
7 probation department providing documentation stating that absent
8 the grant of that extension, there is a significant risk to the safety
9 of the youth or the public, due to an inadequate supply of
10 short-term residential therapeutic programs or resource families
11 necessary to meet the needs of probation youth. The extension
12 granted to any provider through this section may be reviewed
13 annually by the department if concerns arise regarding that
14 provider's facility. Pursuant to subdivision (e) of Section
15 11462.041, the final report submitted to the Legislature shall
16 address whether or not the extensions are still necessary.

17 (3) The exception shall allow the provider to continue to receive
18 the rate under the prior ratesetting system.

19 (4) A provider granted an extension pursuant to this section
20 shall continue to operate and be governed by the applicable laws
21 and regulations that were operative on December 31, 2018.

22 (5) If the exception request granted pursuant to this subdivision
23 is not made by the host county, the placing county shall notify and
24 provide a copy to the host county.

25 (e) (1) The extended rate granted pursuant to either paragraph
26 (1) or (2) of subdivision (d) shall be provisional and subject to
27 terms and conditions set by the department during the provisional
28 period.

29 (2) Consistent with Section 11466.01, for provisional rates, the
30 following shall be established:

31 (A) Terms and conditions, including the duration of the
32 provisional rate.

33 (B) An administrative review process for provisional rate
34 determinations, including denials, reductions, and terminations.

35 (C) An administrative review process that includes a
36 departmental review, corrective action, and a protest with the
37 department. Notwithstanding the rulemaking provisions of the
38 Administrative Procedure Act (Chapter 3.5 (commencing with
39 Section 11340) of Part 1 of Division 3 of Title 2 of the Government

Code), this process shall be disseminated by written directive pending the promulgation of regulations.

(f) Upon termination of an existing group home rate under the RCL system, a new rate shall not be paid until an application is approved and a rate is granted by the department pursuant to Section 11462 as a short-term residential therapeutic program or, effective January 1, 2017, the rate set pursuant to Section 11463 as a foster family agency.

(g) The department shall, in the development of the new rate structures, consider and provide for placement of all children who are displaced as a result of reclassification of treatment facilities.

SEC. 95. Section 11462.041 of the Welfare and Institutions Code is amended to read:

11462.041. (a) The Legislature recognizes that group homes are one of the primary placement options utilized by probation departments to avoid inappropriate housing of youth in a detention hall, more so since the 2007 realignment of most juvenile offenders from state supervision to county supervision. In order to further improve outcomes for these youth, targeted efforts will be required at the state and local levels to create sufficient capacity in home-based family care and in short-term residential therapeutic programs in order to serve these youth safely in the least restrictive, family-based settings, whenever possible. This increased capacity is needed in both the number of related and unrelated family-based caregivers, in the caregivers' ability to meet the needs of probation youth, and in the services and supports available to these caregivers. Additionally, there must be sufficient capacity in short-term residential therapeutic programs to meet the needs of probation youth and ensure public safety.

(b) To meet the capacity needs described in subdivision (a), commencing on January 1, 2016, county probation departments shall do all of the following:

(1) Work with group home providers to develop short-term residential therapeutic programs that meet the treatment needs of probation supervised youth in foster care.

(2) Work with foster family agencies and other community-based organizations to develop strategies to recruit, retain, and support specialized foster homes for probation youth.

(3) Work with the department on strategies to identify, engage, and support relative caregivers.

1 (4) Work with the department to define probation youth outcome
2 measures to be collected and analyzed to assess implementation
3 of this act.

4 (c) To support the activities described in subdivision (b),
5 commencing on January 1, 2016, the department, in consultation
6 with the Chief Probation Officers of California, shall do all of the
7 following:

8 (1) Work with providers, courts, and county probation
9 departments to develop capacity for home-based family care.

10 (2) Work with short-term residential therapeutic programs and
11 foster family agencies to address the treatment needs of specific
12 probation populations, including, but not limited to, sex offenders,
13 youth with gang affiliations, youth who currently are placed out
14 of state, and youth with mental illness.

15 (3) Develop appropriate rate structures to support probation
16 foster youth in home-based family care.

17 (4) Identify strategies to address the systemic challenges specific
18 to small and rural counties in meeting the needs of probation foster
19 youth in need of placement or treatment services.

20 (5) Provide technical assistance to existing group home providers
21 interested in serving probation youth during the transition to the
22 short-term residential therapeutic program or foster family agency
23 models outlined in this act.

24 (6) Provide technical assistance related to implementation of
25 this section to any requesting county probation department.

26 (d) Beginning January 1, 2018, the department, in consultation
27 with the Chief Probation Officers of California, shall assess the
28 capacity and quality of placement options for probation youth in
29 foster care, including home-based family care and short-term
30 residential therapeutic programs. This assessment shall include:

31 (1) The number and type of placement options.

32 (2) Whether short-term residential therapeutic programs have
33 developed programming tailored to address the propensity of
34 probation youth to run away.

35 (3) The degree to which foster family agencies,
36 community-based service providers, and county probation
37 departments have developed the programs and services necessary
38 to recruit, retain, and support foster families and relative caregivers
39 serving foster youth supervised by probation departments.

1 (4) Any need for additional training and technical assistance to
2 be provided to short-term residential therapeutic programs or foster
3 family agency providers.

4 (e) The department, in consultation with the Chief Probation
5 Officers of California and the counties, shall provide an interim
6 report, pursuant to Section 9795 of the Government Code, to the
7 Legislature no later than January 10, 2019, and a final report,
8 pursuant to Section 9795 of the Government Code, to the
9 Legislature no later than January 10, 2021, which shall include the
10 number of youth served in home-based family care, in short-term
11 residential therapeutic programs, and in group homes,
12 characteristics of youth in these placement types, and whether
13 there is a continued need for probation placement in group homes.
14 The reports also shall provide recommendations on any further
15 technical assistance and training, if needed, to facilitate county
16 probation departments, county child welfare departments, DSS,
17 and providers in strengthening the continuum of care for
18 justice-involved youth.

19 SEC. 96. Section 11462.06 of the Welfare and Institutions
20 Code is amended to read:

21 11462.06. (a) For purposes of the administration of this article,
22 including the setting of group home rates, the department shall
23 deem the reasonable costs of leases for shelter care for foster
24 children to be allowable costs. Reimbursement of shelter costs
25 shall not exceed 12 percent of the fair market value of owned,
26 leased, or rented buildings, including any structures, improvements,
27 edifices, land, grounds, and other similar property that is owned,
28 leased, or rented by the group home and that is used for group
29 home programs and activities, exclusive of idle capacity and
30 capacity used for nongroup home programs and activities. Shelter
31 costs shall be considered reasonable in relation to the fair market
32 value limit as described in subdivision (b).

33 (b) For purposes of this section, fair market value of leased
34 property shall be determined by either of the following methods,
35 as chosen by the provider:

36 (1) The market value shown on the last tax bill for the cost
37 reporting period.

38 (2) The market value determined by an independent appraisal.
39 The appraisal shall be performed by a qualified, professional
40 appraiser who, at a minimum, meets standards for appraisers as

specified in Chapter 6.5 (commencing with Section 3500) of Title 10 of the California Code of Regulations. The appraisal shall not be deemed independent if performed under a less-than-arms-length agreement, or if performed by a person or persons employed by, or under contract with, the group home for purposes other than performing appraisals, or by a person having a material interest in any group home which receives foster care payments. If the department believes an appraisal does not meet these standards, the department shall give its reasons in writing to the provider and provide an opportunity for appeal.

(c) (1) The department may adopt emergency regulations in order to implement this section, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The adoption of emergency regulations pursuant to this section shall be deemed to be an emergency and considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(3) Emergency regulations adopted pursuant to this section shall be exempt from the review and approval of the Office of Administrative Law.

(4) The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

(d) (1) Commencing July 1, 2003, any group home provider with a self-dealing lease transaction for shelter costs, as defined in Section 5233 of the Corporations Code, shall not be eligible for an AFDC-FC rate.

(2) Notwithstanding paragraph (1), providers that received an approval letter for a self-dealing lease transaction for shelter costs during the 2002–03 fiscal year from the Charitable Trust Section of the Department of Justice shall be eligible to continue to receive an AFDC-FC rate until the date that the lease expires, or is modified, extended, or terminated, whichever occurs first. These providers shall be ineligible to receive an AFDC-FC rate after that date if they have entered into any self-dealing lease transactions for group home shelter costs.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 97. Section 11462.06 is added to the Welfare and Institutions Code, to read:

11462.06. (a) For purposes of the administration of this article, including setting AFDC-FC provider rates, the department shall deem the reasonable costs of leases for shelter care for foster children to be allowable costs.

(b) Rental costs of real property, allowable as either shelter care or as necessary administration of the foster care maintenance payment, are allowable to the extent that the rates are reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the leased property, including any structures, improvements, edifices, land, grounds, and other similar property that is used for the facility's residential foster care programs and activities, exclusive of idle capacity and capacity used for nonresidential foster care programs and activities.

(1) Rental costs shall be considered reasonable in relation to the fair market rental value limit, subject to the requirements in Section 200.465 of Title 2 of the Code of Federal Regulations, as implemented by the United States Department of Health and Human Services in Section 75.465 of Title 45 of the Code of Federal Regulations.

(2) Rental arrangements should be reviewed periodically to determine if circumstances have changed and other options are available.

(c) The appraisal shall be performed by an independent, qualified, professional appraiser who, at a minimum, meets standards for appraisers as specified in Chapter 6.5 (commencing with Section 3500) of Title 10 of the California Code of Regulations. The appraisal shall not be deemed independent if performed under a less-than-arms-length agreement, if performed by a person or persons employed by, or under contract with, the program subject to the appraisal for purposes other than performing appraisals, or if performed by a person having a material interest in any program that receives foster care payments. If the department believes an appraisal does not meet these standards, the department

1 shall give its reasons in writing to the program and provide an
2 opportunity for appeal.

3 (d) (1) Any provider with a self-dealing transaction, as defined
4 in Section 5233 of the Corporations Code, for a lease for shelter
5 costs shall be ineligible for an AFDC-FC rate.

6 (2) Lease transactions are subject to restrictions set forth in
7 Section 200.465(c) of Title 2 of the Code of Federal Regulations,
8 as implemented by the United States Department of Health and
9 Human Services in Section 75.465 of Title 45 of the Code of
10 Federal Regulations.

11 (e) This section shall become operative on January 1, 2019.

12 SEC. 98. Section 11463 of the Welfare and Institutions Code,
13 as added by Section 85 of Chapter 773 of the Statutes of 2015, is
14 amended to read:

15 11463. (a) The department shall commence development of
16 a new payment structure for the Title IV-E funded foster family
17 agency placement option that maximizes federal funding, in
18 consultation with county placing agencies.

19 (b) The department shall develop a payment system for foster
20 family agencies that provide treatment, intensive treatment, and
21 therapeutic foster care programs, and shall consider all of the
22 following factors:

23 (1) Administrative activities that are eligible for federal financial
24 participation provided, at county request, for and to county-licensed
25 or approved family homes and resource families, intensive case
26 management and supervision, and services to achieve legal
27 permanency or successful transition to adulthood.

28 (2) Social work activities that are eligible for federal financial
29 participation under Title IV-E of the Social Security Act.

30 (3) Social work and mental health services eligible for federal
31 financial participation under Title XIX of the Social Security Act.

32 (4) Intensive treatment or therapeutic services in the foster
33 family agency.

34 (5) Core services, made available to children and nonminor
35 dependents either directly or secured through agreements with
36 other agencies, which are trauma informed and culturally relevant
37 and include:

38 (A) Specialty mental health services for children who meet
39 medical necessity criteria for specialty mental health services, as

1 provided for in Section 1830.205 or 1830.210 of Title 9, of the
2 California Code of Regulations.

3 (B) Transition support services for children, youth, and families
4 upon initial entry and placement changes and for families who
5 assume permanency through reunification, adoption, or
6 guardianship.

7 (C) Educational and physical, behavioral, and mental health
8 supports, including extracurricular activities and social supports.

9 (D) Activities designed to support transition-age youth and
10 nonminor dependents in achieving a successful adulthood.

11 (E) Services to achieve permanency, including supporting efforts
12 to reunify or achieve adoption or guardianship and efforts to
13 maintain or establish relationships with parents, siblings, extended
14 family members, tribes, or others important to the child or youth,
15 as appropriate.

16 (F) When serving Indian children, as defined in subdivisions
17 (a) and (b) of Section 224.1, the core services specified in
18 subparagraphs (A) to (E), inclusive, shall be provided to eligible
19 children consistent with active efforts pursuant to Section 361.7.

20 (G) The core services specified in subparagraphs (A) to (F),
21 inclusive, are not intended to duplicate services already available
22 to foster children in the community, but to support access to those
23 services and supports to the extent already available. Those services
24 and supports may include, but are not limited to, foster youth
25 services available through county offices of education, Indian
26 Health Services, and school-based extracurricular activities.

27 (6) Staff training.

28 (7) Health and Safety Code requirements.

29 (8) A process for accreditation that includes all of the following:

30 (A) Provision for all licensed foster family agencies to maintain
31 in good standing accreditation from a nationally recognized
32 accreditation agency with expertise in programs for youth group
33 care facilities, as determined by the department.

34 (B) Promulgation by the department of information identifying
35 the agency or agencies from which accreditation shall be required.

36 (C) Provision for timely reporting to the department of any
37 change in accreditation status.

38 (9) Mental health certification, including a requirement to timely
39 report to the department any change in mental health certificate
40 status.

1 (10) Populations served, including, but not limited to, any of
2 the following:

3 (A) (i) Children and youth assessed as seriously emotionally
4 disturbed, as described in subdivision (a) of Section 5600.3,
5 including those placed out-of-home pursuant to an individualized
6 education program developed under Article 2 (commencing with
7 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
8 the Education Code.

9 (ii) Children assessed as meeting the medical necessity criteria
10 for specialty mental health services, as provided for in Section
11 1830.205 or 1830.210 of Title 9 of the California Code of
12 Regulations.

13 (B) AFDC-FC children and youth receiving intensive and
14 therapeutic treatment services in a foster family agency.

15 (C) AFDC-FC children and youth receiving mental health
16 treatment services from a foster family agency.

17 (11) Maximization of federal financial participation for Title
18 IV-E and Title XIX of the Social Security Act.

19 (c) The department shall establish rates pursuant to subdivisions
20 (a) and (b) commencing January 1, 2017. The rate structure shall
21 include an interim rate, a provisional rate for new foster family
22 agency programs, and a probationary rate. The department may
23 issue a one-time reimbursement for accreditation fees incurred
24 after August 1, 2016, in an amount and manner determined by the
25 department in written directives.

26 (1) (A) Initial interim rates developed pursuant to this section
27 shall be effective January 1, 2017, through December 31, 2017.

28 (B) The initial interim rates developed pursuant to this paragraph
29 shall not be lower than the rates proposed as part of the Governor's
30 2016 May Revision.

31 (C) The initial interim rates set forth in written directives or
32 regulations pursuant to paragraph (4) shall become inoperative on
33 January 1, 2018, unless a later enacted statute, that becomes
34 operative on or before January 1, 2018, deletes or extends the dates
35 on which they become inoperative.

36 (D) It is the intent of the Legislature to establish an ongoing
37 payment structure no later than January 1, 2020.

38 (2) Consistent with Section 11466.01, for provisional and
39 probationary rates, the following shall be established:

40 (A) Terms and conditions, including the duration of the rate.

1 (B) An administrative review process for the rate determinations,
2 including denials, reductions, and terminations.

3 (C) An administrative review process that includes a
4 departmental review, corrective action, and an appeal with the
5 department. Notwithstanding the rulemaking provisions of the
6 Administrative Procedure Act (Chapter 3.5 (commencing with
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
8 Code), this process shall be disseminated by written directive
9 pending the promulgation of regulations.

10 (3) (A) (i) The foster family agency rate shall include a basic
11 rate pursuant to paragraph (4) of subdivision (g) of Section 11461.
12 A child or youth placed in a certified family home or an approved
13 resource family of a foster family agency is eligible for the basic
14 rate, which shall be passed on to the certified parent or resource
15 family along with annual increases set forth in subparagraph (D).

16 (ii) A certified family home of a foster family agency shall be
17 paid the basic rate as set forth in this paragraph only through
18 December 31, 2017.

19 (B) The basic rate paid to either a certified family home or an
20 approved resource family of a foster family agency shall be paid
21 by the agency to the home from the rate that is paid to the agency
22 pursuant to this section.

23 (C) In addition to the basic rate described in this paragraph, the
24 department shall develop foster family agency rates that consider
25 specialized programs to serve children with specific needs,
26 including, but not limited to, the following:

27 (i) Intensive treatment and behavioral needs, including those
28 currently being served under intensive treatment foster care.

29 (ii) Specialized health care needs.

30 (4) Notwithstanding the rulemaking provisions of the
31 Administrative Procedure Act (Chapter 3.5 (commencing with
32 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
33 Code), the foster family agency rates, and the manner in which
34 they are determined, shall be set forth in written directives until
35 regulations are adopted.

36 (d) The department shall develop a system of governmental
37 monitoring and oversight that shall be carried out in coordination
38 with the State Department of Health Care Services. Oversight
39 responsibilities shall include, but not be limited to, ensuring
40 conformity with federal and state law, including program, fiscal,

1 and health and safety reviews. The state agencies shall attempt to
2 minimize duplicative audits and reviews to reduce the
3 administrative burden on providers.

4 (e) The department shall consider the impact on children and
5 youth being transitioned to alternate programs as a result of the
6 new ratesetting system.

7 SEC. 99. Section 11463.01 of the Welfare and Institutions
8 Code is repealed.

9 SEC. 100. Section 11463.1 of the Welfare and Institutions
10 Code is repealed.

11 SEC. 101. Section 11465 of the Welfare and Institutions Code
12 is amended to read:

13 11465. (a) When a child is living with a parent who receives
14 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
15 behalf of the parent shall include an amount for care and
16 supervision of the child.

17 (b) For each category of eligible licensed community care
18 facility, as defined in Section 1502 of the Health and Safety Code,
19 the department shall adopt regulations setting forth a uniform rate
20 to cover the cost of care and supervision of the child in each
21 category of eligible licensed community care facility.

22 (c) (1) On and after July 1, 1998, the uniform rate to cover the
23 cost of care and supervision of a child pursuant to this section shall
24 be increased by 6 percent, rounded to the nearest dollar. The
25 resultant amounts shall constitute the new uniform rate.

26 (2) (A) On and after July 1, 1999, the uniform rate to cover the
27 cost of care and supervision of a child pursuant to this section shall
28 be adjusted by an amount equal to the California Necessities Index
29 computed pursuant to Section 11453, rounded to the nearest dollar.
30 The resultant amounts shall constitute the new uniform rate, subject
31 to further adjustment pursuant to subparagraph (B).

32 (B) In addition to the adjustment specified in subparagraph (A),
33 on and after January 1, 2000, the uniform rate to cover the cost of
34 care and supervision of a child pursuant to this section shall be
35 increased by 2.36 percent, rounded to the nearest dollar. The
36 resultant amounts shall constitute the new uniform rate.

37 (3) Subject to the availability of funds, for the 2000–01 fiscal
38 year and annually thereafter, these rates shall be adjusted for cost
39 of living pursuant to procedures in Section 11453.

1 (4) On and after January 1, 2008, the uniform rate to cover the
2 cost of care and supervision of a child pursuant to this section shall
3 be increased by 5 percent, rounded to the nearest dollar. The
4 resulting amount shall constitute the new uniform rate.

5 (5) Commencing July 1, 2016, the uniform rate to cover the
6 cost of care and supervision of a child pursuant to this section shall
7 be supplemented by an additional monthly amount of four hundred
8 eighty-nine dollars (\$489). This monthly supplement shall only
9 be provided if funding for this purpose is appropriated in the annual
10 Budget Act.

11 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
12 payment made pursuant to this section for care and supervision of
13 a child who is living with a teen parent in a whole family foster
14 home, as defined in Section 11400, shall equal the basic rate for
15 children placed in a licensed or approved home as specified in
16 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
17 11461.

18 (2) (A) The amount paid for care and supervision of a dependent
19 infant living with a dependent teen parent receiving AFDC-FC
20 benefits in a group home placement shall equal the infant
21 supplement rate for group home placements.

22 (B) Commencing January 1, 2017, the amount paid for care and
23 supervision of a dependent infant living with a dependent teenage
24 parent receiving AFDC-FC benefits in a short-term residential
25 therapeutic program shall equal the infant supplement rate for
26 short-term residential therapeutic programs established by the
27 department.

28 (3) (A) The caregiver shall provide the county child welfare
29 agency or probation department with a copy of the shared
30 responsibility plan developed pursuant to Section 16501.25 and
31 shall advise the county child welfare agency or probation
32 department of any subsequent changes to the plan. Once the plan
33 has been completed and provided to the appropriate agencies, the
34 payment made pursuant to this section shall be increased by an
35 additional two hundred dollars (\$200) per month to reflect the
36 increased care and supervision while he or she is placed in the
37 whole family foster home.

38 (B) A nonminor dependent parent residing in a supervised
39 independent living placement, as defined in subdivision (w) of
40 Section 11400, who develops a written parenting support plan

1 pursuant to Section 16501.26 shall provide the county child welfare
2 agency or probation department with a copy of the plan and shall
3 advise the county child welfare agency or probation department
4 of any subsequent changes to the plan. The payment made pursuant
5 to this section shall be increased by an additional two hundred
6 dollars (\$200) per month after all of the following have been
7 satisfied:

8 (i) The plan has been completed and provided to the appropriate
9 county agency.

10 (ii) The plan has been approved by the appropriate county
11 agency.

12 (iii) The county agency has determined that the identified
13 responsible adult meets the criteria specified in Section 16501.27.

14 (4) In a year in which the payment provided pursuant to this
15 section is adjusted for the cost of living as provided in paragraph
16 (1) of subdivision (c), the payments provided for in this subdivision
17 shall also be increased by the same procedures.

18 (5) A Kin-GAP relative who, immediately prior to entering the
19 Kin-GAP program, was designated as a whole family foster home
20 shall receive the same payment amounts for the care and
21 supervision of a child who is living with a teen parent they received
22 in foster care as a whole family foster home.

23 (6) On and after January 1, 2012, the rate paid for a child living
24 with a teen parent in a whole family foster home as defined in
25 Section 11400 shall also be paid for a child living with a nonminor
26 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
27 pursuant to Section 11403.

28 *SEC. 101.5. Section 11465 of the Welfare and Institutions Code*
29 *is amended to read:*

30 11465. (a) When a child is living with a parent who receives
31 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
32 behalf of the parent shall include an amount for care and
33 supervision of the child.

34 (b) For each category of eligible licensed community care
35 facility, as defined in Section 1502 of the Health and Safety Code,
36 the department shall adopt regulations setting forth a uniform rate
37 to cover the cost of care and supervision of the child in each
38 category of eligible licensed community care facility.

39 (c) (1) On and after July 1, 1998, the uniform rate to cover the
40 cost of care and supervision of a child pursuant to this section shall

1 be increased by 6 percent, rounded to the nearest dollar. The
2 resultant amounts shall constitute the new uniform rate.

3 (2) (A) On and after July 1, 1999, the uniform rate to cover the
4 cost of care and supervision of a child pursuant to this section shall
5 be adjusted by an amount equal to the California Necessities Index
6 computed pursuant to Section 11453, rounded to the nearest dollar.
7 The resultant amounts shall constitute the new uniform rate, subject
8 to further adjustment pursuant to subparagraph (B).

9 (B) In addition to the adjustment specified in subparagraph (A),
10 on and after January 1, 2000, the uniform rate to cover the cost of
11 care and supervision of a child pursuant to this section shall be
12 increased by 2.36 percent, rounded to the nearest dollar. The
13 resultant amounts shall constitute the new uniform rate.

14 (3) Subject to the availability of funds, for the 2000–01 fiscal
15 year and annually thereafter, these rates shall be adjusted for cost
16 of living pursuant to procedures in Section 11453.

17 (4) On and after January 1, 2008, the uniform rate to cover the
18 cost of care and supervision of a child pursuant to this section shall
19 be increased by 5 percent, rounded to the nearest dollar. The
20 resulting amount shall constitute the new uniform rate.

21 (5) Commencing July 1, 2016, the uniform rate to cover the
22 cost of care and supervision of a child pursuant to this section shall
23 be supplemented by an additional monthly amount of four hundred
24 eighty-nine dollars (\$489). This monthly supplement shall only
25 be provided if funding for this purpose is appropriated in the annual
26 Budget Act.

27 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
28 payment made pursuant to this section for care and supervision of
29 a child who is living with a teen parent in a whole family foster
30 home, as defined in Section 11400, shall equal the basic rate for
31 children placed in a licensed or approved home as specified in
32 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
33 11461.

34 (2) (A) The amount paid for care and supervision of a dependent
35 infant living with a dependent teen parent receiving AFDC-FC
36 benefits in a group home placement shall equal the infant
37 supplement rate for group home placements.

38 (B) Commencing January 1, 2017, the amount paid for care and
39 supervision of a dependent infant living with a dependent teenage
40 parent receiving AFDC-FC benefits in a short-term residential

1 ~~treatment-center~~ *therapeutic program* shall equal the infant
2 supplement rate for short-term residential ~~treatment-centers~~
3 *therapeutic programs* established by the department.

4 (3) (A) The caregiver shall provide the county child welfare
5 agency or probation department with a copy of the shared
6 responsibility plan developed pursuant to Section 16501.25 and
7 shall advise the county child welfare agency or probation
8 department of any subsequent changes to the plan. Once the plan
9 has been completed and provided to the appropriate agencies, the
10 payment made pursuant to this section shall be increased by an
11 additional two hundred dollars (\$200) per month to reflect the
12 increased care and supervision while he or she is placed in the
13 whole family foster home.

14 (B) A nonminor dependent parent residing in a supervised
15 independent living placement, as defined in subdivision (w) of
16 Section 11400, who develops a written parenting support plan
17 pursuant to Section 16501.26 shall provide the county child welfare
18 agency or probation department with a copy of the plan and shall
19 advise the county child welfare agency or probation department
20 of any subsequent changes to the plan. The payment made pursuant
21 to this section shall be increased by an additional two hundred
22 dollars (\$200) per month after all of the following have been
23 satisfied:

24 (i) The plan has been completed and provided to the appropriate
25 county agency.

26 (ii) The plan has been approved by the appropriate county
27 agency.

28 (iii) The county agency has determined that the identified
29 responsible adult meets the criteria specified in Section 16501.27.

30 (4) In a year in which the payment provided pursuant to this
31 section is adjusted for the cost of living as provided in paragraph
32 (1) of subdivision (c), the payments provided for in this subdivision
33 shall also be increased by the same procedures.

34 (5) A Kin-GAP relative who, immediately prior to entering the
35 Kin-GAP program, was designated as a whole family foster home
36 shall receive the same payment amounts for the care and
37 supervision of a child who is living with a teen parent they received
38 in foster care as a whole family foster home.

39 (6) On and after January 1, 2012, the rate paid for a child living
40 with a teen parent in a whole family foster home as defined in

1 Section 11400 shall also be paid for a child living with a nonminor
2 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
3 pursuant to Section 11403.

4 *(e) The rate paid for a pregnant minor or nonminor dependent*
5 *for the month in which the birth is anticipated and for the*
6 *three-month period immediately prior to the month in which the*
7 *birth is anticipated shall include the amount that would otherwise*
8 *be paid under this section to cover the care and supervision of a*
9 *child, if born. Any amount paid pursuant to this subdivision shall*
10 *be used to meet the specialized needs of the pregnant minor or*
11 *nonminor dependent and to properly prepare for the needs of the*
12 *infant. Verification of pregnancy is a condition of eligibility for*
13 *aid under this subdivision.*

14 SEC. 102. Section 11466 of the Welfare and Institutions Code
15 is amended to read:

16 11466. For the purposes of this section to Section 11469.1,
17 inclusive, “provider” shall mean a group home, short-term
18 residential therapeutic program, a foster family agency, and similar
19 foster care business entities.

20 SEC. 103. Section 11466.01 is added to the Welfare and
21 Institutions Code, to read:

22 11466.01. (a) Commencing January 1, 2017, a provisional
23 rate shall be set for all of the following:

24 (1) A provider that is granted an extension pursuant to paragraph
25 (1) of subdivision (d) of Section 11462.04.

26 (2) A provider that is granted an extension pursuant to paragraph
27 (2) of subdivision (d) of Section 11462.04.

28 (3) A foster family agency licensed on or before January 1,
29 2017, upon submission of a program statement pursuant to Section
30 1506.1 of the Health and Safety Code.

31 (4) A new short-term residential therapeutic program provider.

32 (5) A new foster family agency provider.

33 (b) The provisional rate shall be subject to terms and conditions,
34 including the duration of the provisional period, set by the
35 department.

36 (1) For a provider described in paragraph (1) or (3) of
37 subdivision (a), a provisional rate may be granted for a period that
38 is not extended beyond December 31, 2018.

39 (2) For a provider described in paragraph (2) of subdivision (a),
40 a provisional rate may be granted and may be reviewed on an

1 annual basis, pursuant to paragraph (2) of subdivision (d) of Section
2 11462.04.

3 (3) For a provider described in paragraph (4) or (5) of
4 subdivision (a), a provisional rate may be granted for a period of
5 up to 24 months from the date the provider's license was issued.

6 (c) In determining whether to grant, and upon what conditions
7 to grant, a provisional rate, the department shall consider factors
8 including the following:

9 (1) Any prior extension granted pursuant to Section 11462.04
10 or 11462.041.

11 (2) Any licensing history for any license with which the
12 program, or its directors or officers, have been associated.

13 (3) Any financial, fiscal, or compliance audit history with which
14 the program, or its directors or officers, have been associated.

15 (4) Outstanding civil penalties or overpayments with which the
16 program, or its directors or officers, have been associated.

17 (5) Any violations of state or federal law.

18 (d) In determining whether to continue, and upon what
19 conditions to continue, a provisional rate, the department shall
20 consider those factors specified in subdivision (c), as well as
21 compliance with the terms, conditions, and requirements during
22 the provisional period.

23 (e) In determining whether, at the end of the provisional rate
24 period or thereafter, to grant a rate and whether to impose or
25 continue, and upon what conditions to impose or continue, a
26 probationary rate the department shall consider the factors specified
27 in subdivision (c).

28 (f) The department shall establish an administrative review
29 process for determinations, including denial, rate reduction,
30 probation, and termination of the provisional and probationary
31 rates. This process shall include a departmental review, corrective
32 action, and a protest with the department. Notwithstanding the
33 rulemaking provisions of the Administrative Procedure Act
34 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
35 Division 3 of Title 2 of the Government Code), this process shall
36 be disseminated by written directive pending the promulgation of
37 regulations.

38 (g) (1) (A) For the purposes of this section, a "provisional rate"
39 is a prospective rate given to a provider described in subdivision

1 (a) based on an assurance to perform in accordance with terms and
2 conditions attached to the granting of the provisional rate.

3 (B) For the purposes of this section, a “probationary rate” is a
4 rate upon which limitations and conditions are imposed as a result
5 of violations of terms, conditions, or state or federal law, including
6 those set forth in subdivisions (c) and (d).

7 (2) (A) At the conclusion of a provisional rate, a probationary
8 rate may be imposed, at the discretion of the department, if
9 additional oversight is deemed necessary based on the provider’s
10 performance during the provisional rate period.

11 (B) At any time, a rate may become a probationary rate if
12 additional oversight is deemed necessary based on the provider’s
13 performance in accordance with terms and conditions attached to
14 the granting or maintenance of its rate.

15 (C) A probationary rate may be accompanied by a rate reduction.

16 SEC. 104. Section 11466.2 of the Welfare and Institutions
17 Code, as added by Section 91 of Chapter 773 of the Statutes of
18 2015, is amended to read:

19 11466.2. (a) (1) The department shall perform or have
20 performed provider program and fiscal audits as needed. Provider
21 programs shall maintain all child-specific, programmatic,
22 personnel, fiscal, and other information affecting ratesetting and
23 AFDC-FC payments for a period of not less than five years.

24 (2) Provider fiscal audits shall be conducted pursuant to Part
25 200 (commencing with Section 200.0) of Chapter II of Subtitle A
26 of Title 2 of the Code of Federal Regulations, as implemented by
27 the United States Department of Health and Human Services in
28 Part 75 (commencing with Section 75.1) of Title 45 of the Code
29 of Federal Regulations, including uniform administrative
30 requirements, cost principles, and audit requirements, as
31 specifically implemented in Section 75.106 of Title 45 of the Code
32 of Federal Regulations.

33 (3) A provider may request a hearing of the department’s audit
34 determination under this section no later than 30 days after the
35 date the department issues its audit determination. The
36 department’s audit determination shall be final if the provider does
37 not request a hearing within the prescribed time. Within 60 days
38 of receipt of the request for hearing, the department shall conduct
39 a hearing on the audit determination. The standard of proof shall
40 be the preponderance of the evidence and the burden of proof shall

be on the department. The hearing officer shall issue the proposed decision within 45 days of the close of the evidentiary record. The director shall adopt, reject, or modify the proposed decision, or refer the matter back to the hearing officer for additional evidence or findings within 100 days of issuance of the proposed decision. If the director takes no action on the proposed decision within the prescribed time, the proposed decision shall take effect by operation of law.

(b) The department shall develop regulations to correct a program's audit findings, adjust the rate, and recover any overpayments resulting from an overstatement of the projected level of care and services and other audit findings.

(c) (1) In any audit conducted by the department, the department, or other public or private audit agency with which the department contracts, shall coordinate with the department's licensing and ratesetting entities so that a consistent set of standards, rules, and auditing protocols are maintained. The department, or other public or private audit agency with which the department contracts, shall make available to all providers, in writing, any standards, rules, and auditing protocols to be used in those audits.

(2) The department shall provide exit interviews with providers, whenever deficiencies are found, in which those deficiencies may be explained and permit providers an opportunity to respond. The department shall adopt regulations specifying the procedure for the appeal of audit findings.

SEC. 105. Section 11466.21 of the Welfare and Institutions Code is amended to read:

11466.21. (a) In accordance with subdivision (b), as a condition to receive an AFDC-FC rate for a program including, but not limited to, a group home, a foster family agency, a short-term residential therapeutic program, and other similar business entities providing foster care, the following shall apply:

(1) Any provider who expends in combined federal funds an amount at or above the federal funding threshold in accordance with the federal Single Audit Act, as amended, and Section 200.501 of Title 2 of the Code of Federal Regulations, as implemented by the United States Department of Health and Human Services in Section 75.501 of Title 45 of the Code of Federal Regulations, shall arrange to have a financial audit conducted on an annual

1 basis, and shall submit the financial audit to the department in
2 accordance with regulations adopted by the department, all-county
3 letter, or similar written instructions.

4 (2) Any provider who expends in combined federal funds an
5 amount below the federal funding threshold shall annually submit
6 a financial audit to the department pursuant to Generally Accepted
7 Government Auditing Standards (GAGAS), and shall submit the
8 financial audit to the department in accordance with regulations
9 adopted by the department, all-county letter, or similar written
10 instructions.

11 (3) The scope of the financial audit shall include all of the
12 programs and activities operated by the provider and shall not be
13 limited to those funded in whole or in part by the AFDC-FC
14 program. The financial audits shall include, but not be limited to,
15 an evaluation of the expenditures and accounting and control
16 systems of the provider.

17 (4) The provider shall have its financial audit conducted by
18 certified public accountants or by state-licensed public accountants,
19 with audit designation, who have no direct or indirect relationship
20 with the functions or activities being audited, or with the provider,
21 its board of directors, or other governing body, officers, or staff.

22 (5) The provider shall have its financial audits conducted in
23 accordance with Government Auditing Standards issued by the
24 Comptroller General of the United States and in compliance with
25 generally accepted accounting principles applicable to private
26 entities organized and operated on a nonprofit basis.

27 (6) (A) Each provider shall have the flexibility to define the
28 calendar months included in its fiscal year.

29 (B) A provider may change the definition of its fiscal year.
30 However, the financial audit conducted following the change shall
31 cover all of the months since the last audit, even though this may
32 cover a period that exceeds 12 months.

33 (b) (1) In accordance with subdivision (a), as a condition to
34 receive an AFDC-FC rate, a provider shall submit a copy of its
35 most recent financial audit report, except as provided in paragraph
36 (3).

37 (2) The department shall terminate the rate of a provider who
38 fails to submit a copy of its most recent financial audit pursuant
39 to subdivision (a). A terminated rate shall only be reinstated upon

1 the provider's submission to the department of an acceptable
2 financial audit.

3 (3) A new provider that has been incorporated for fewer than
4 12 calendar months shall not be required to submit a copy of a
5 financial audit to receive an AFDC-FC rate for a new program.
6 The financial audit shall be conducted on the provider's next full
7 fiscal year of operation. The provider shall submit the financial
8 audit to the department in accordance with subdivision (a).

9 (c) The department shall issue a management decision letter on
10 audit findings, made by the independent auditor or as a result of
11 department review, within six months of receipt of the financial
12 audit report. The management decision letter shall clearly state
13 whether or not the audit finding is sustained, the reasons for the
14 decision, and the action or actions expected of the nonprofit
15 organization provider to repay disallowed costs, make financial
16 adjustments, or take other action.

17 (d) Repeated late submission of financial audits, repeat findings
18 in financial audits, or failure to comply with corrective action in
19 a management decision letter may result in monetary penalties or
20 a reduction, suspension, or termination of the provider's rate in
21 accordance with regulations adopted by the department, all-county
22 letter, or similar written instructions. This subdivision shall not be
23 construed to affect the department's authority under other
24 provisions of law, including, but not limited to, Part 200 of Title
25 2 of the Code of Federal Regulations, as implemented by the United
26 States Department of Health and Human Services in Part 75
27 (commencing with Section 75.1) of Title 45 of the Code of Federal
28 Regulations.

29 SEC. 106. Section 11466.22 of the Welfare and Institutions
30 Code is amended to read:

31 11466.22. (a) It is the intent of the Legislature to ensure overall
32 program integrity in the AFDC-FC program through the
33 establishment of an effective and efficient process for the collection
34 of provider sustained overpayments. Furthermore, the intent of the
35 Legislature is to ensure that children placed in AFDC-FC programs,
36 including, but not limited to, group homes, short-term residential
37 therapeutic programs, and foster family agencies, receive the level
38 of care and supervision commensurate with the program's paid
39 rate.

(b) For the purposes of this section, a provider is a licensee of an AFDC-FC program listed in Section 11402, including, but not limited to, a group home, short-term residential therapeutic program, foster family agency that provides treatment services, or a similar business entity, receiving foster care maintenance payments under the AFDC-FC program. The department may collect a sustained overpayment from the party responsible for the sustained overpayment, regardless of whether the party remains in the business of providing any AFDC-FC programs, and regardless of whether the provider remains licensed by the department.

(c) For the purposes of this section, a provider overpayment is an overpayment that results in an audit period when a provider receives a rate reimbursement to which it is not entitled. If a provider receives a rate reimbursement to which it is not entitled, including, but not limited to, the provider failing to maintain a license, or failing to maintain its status as a nonprofit organization, or due to an overpayment determined as described in paragraph (1) of subdivision (d), it shall be liable to repay the overpayment.

(d) (1) Overpayments shall be determined by either a provider audit pursuant to Section 11466.21, a department audit conducted pursuant to Section 11466.2, a management decision letter, or a provider self-reporting an overpayment. A self-reported overpayment may include a finding in the financial audit report submitted by the provider whether that finding is formally made in the financial audit report or discovered through department review of the report or other provider submission.

(2) If a hearing is not requested, or on the 60th day after an informal decision if a provider or the department does not file a notice of intent to file a formal appeal, or on the 30th day following a formal appeal hearing decision, whichever is latest, a provider overpayment shall be sustained for collection purposes and the department shall issue a demand letter for repayment of the sustained overpayment.

(3) The department shall establish a voluntary repayment agreement procedure with a maximum repayment period of nine years. The procedure shall take into account the amount of the overpayment, projected annual income of the program that caused the overpayment, a minimum repayment amount, including principal and interest, of 3 percent of annual income prorated on

1 a monthly basis, simple interest for the first seven years of the
2 voluntary repayment agreement on the overpayment amount based
3 on the Surplus Money Investment Fund, and simple interest for
4 the eighth and ninth years of the voluntary repayment agreement
5 based on the prime rate at that time plus 3 percent. The department
6 may consider renegotiation of a voluntary repayment agreement
7 if the department determines that the agreement would cause severe
8 harm to children in placement.

9 (4) The department shall establish an involuntary overpayment
10 collection procedure, that shall take into account the amount of
11 the overpayment, projected annual income, a minimum required
12 repayment amount, including principal and interest, of 5 percent
13 of the annual income prorated on a monthly basis, simple interest
14 on the overpayment amount based on the Surplus Money
15 Investment Fund, and a maximum repayment period of seven
16 years. The department may consider renegotiation of an involuntary
17 payment agreement if the department determines that the agreement
18 would cause severe harm to children in placement.

19 (e) The department shall maintain, by regulation, all-county
20 letter, or similar written directive, a procedure for recovery of any
21 provider sustained overpayments. The department shall prioritize
22 collection methods, which shall include voluntary repayment
23 agreement procedures, involuntary overpayment collection
24 procedures, including the use of a statutory lien, rate request
25 denials, rate decreases, and rate terminations. The department may
26 also deny rate requests, including requests for rate increases, or
27 program changes or expansions, while an overpayment is due.

28 (f) Whenever the department determines that a provider
29 sustained overpayment has occurred, the department shall recover
30 from the provider the full amount of the sustained overpayment,
31 and simple interest on the sustained overpayment amount, pursuant
32 to methods described in subdivision (e), against the provider's
33 income or assets.

34 (g) If a provider is successful in its appeal of a collected
35 overpayment, it shall be repaid the collected overpayment plus
36 simple interest based on the Surplus Money Investment Fund.

37 SEC. 107. Section 11466.24 of the Welfare and Institutions
38 Code is amended to read:

39 11466.24. (a) In accordance with this section, a county shall
40 collect an overpayment, discovered on or after January 1, 1999,

1 made to a foster family home, an approved home of a relative,
2 including, on and after the date that the director executes a
3 declaration pursuant to Section 11217, the home of a Kin-GAP
4 guardian, an approved home of a nonrelative extended family
5 member, an approved home of a nonrelative legal guardian, a
6 resource family, as defined in subdivision (c) of Section 16519.5,
7 or the supervised independent living setting where a nonminor
8 dependent resides, for any period of time in which the foster child
9 was not cared for in that home, unless any of the following
10 conditions exist, in which case a county shall not collect the
11 overpayment:

12 (1) The cost of the collection exceeds that amount of the
13 overpayment that is likely to be recovered by the county. The cost
14 of collecting the overpayment and the likelihood of collection shall
15 be documented by the county. Costs that the county shall consider
16 when determining the cost-effectiveness to collect are total
17 administrative, personnel, legal filing fee, and investigative costs,
18 and any other applicable costs.

19 (2) The child was temporarily removed from the home and
20 payment was owed to the provider to maintain the child's
21 placement, or the child was temporarily absent from the provider's
22 home, or on runaway status and subsequently returned, and
23 payment was made to the provider to meet the child's needs.

24 (3) The overpayment was exclusively the result of a county
25 administrative error or both the county welfare department and
26 the provider or nonminor dependent were unaware of the
27 information that would establish that the foster child or nonminor
28 dependent was not eligible for foster care benefits.

29 (4) The provider or nonminor dependent did not have knowledge
30 of, and did not contribute to, the cause of the overpayment.

31 (b) (1) After notification by a county of an overpayment to a
32 foster family home, an approved home of a relative, including the
33 home of a Kin-GAP guardian, or a nonrelative extended family
34 member, approved home of a nonrelative legal guardian, a resource
35 family, or the supervised independent living setting where the
36 nonminor dependent resides, and a demand letter for repayment,
37 the foster parent, approved relative, approved nonrelative legal
38 guardian, resource family, or nonminor dependent may request
39 the county welfare department to review the overpayment
40 determination in an informal hearing, or may file with the

1 department a request for a hearing to appeal the overpayment
2 determination. Requesting an informal hearing shall not preclude
3 a payee from seeking a formal hearing at a later date. The county
4 welfare department shall dismiss the overpayment repayment
5 request if it determines the action to be incorrect through an initial
6 review prior to a state hearing, or through a review in an informal
7 hearing held at the request of the foster parent, relative, nonrelative
8 legal guardian, or nonminor dependent.

9 (2) If an informal hearing does not result in the dismissal of the
10 overpayment, or a formal appeal hearing is not requested, or on
11 the 30th day following a formal appeal hearing decision, whichever
12 is later, the foster family provider overpayment shall be sustained
13 for collection purposes.

14 (3) The department shall adopt regulations that ensure that the
15 best interests of the child or nonminor dependent shall be the
16 primary concern of the county welfare director in any repayment
17 agreement.

18 (c) (1) The department shall develop regulations for recovery
19 of overpayments made to any foster family home, approved home
20 of a relative, including the home of a Kin-GAP guardian, approved
21 home of a nonrelative legal guardian, resource family, or supervised
22 independent living setting where a nonminor dependent resides.
23 The regulations shall prioritize collection methods, that shall
24 include voluntary repayment agreement procedures and involuntary
25 overpayment collection procedures. These procedures shall take
26 into account the amount of the overpayment and a minimum
27 required payment amount.

28 (2) A county shall not collect an overpayment through the use
29 of an involuntary payment agreement unless a foster family home,
30 an approved home of a relative, including the home of a Kin-GAP
31 guardian, approved home of a nonrelative legal guardian, resource
32 family, or supervised independent living setting where a nonminor
33 dependent resides has rejected the offer of a voluntary overpayment
34 agreement, or has failed to comply with the terms of the voluntary
35 overpayment agreement.

36 (3) A county shall not be permitted to collect an overpayment
37 through the offset of payments due to a foster family home, an
38 approved home of a relative, including the home of a Kin-GAP
39 guardian, approved home of a nonrelative legal guardian, resource
40 family, or supervised independent living setting where a nonminor

1 dependent resides, unless this method of repayment is requested
2 by the provider or nonminor dependent in a voluntary repayment
3 agreement, or other circumstances defined by the department by
4 regulation.

5 (d) If a provider or nonminor dependent is successful in its
6 appeal of a collected overpayment, it shall be repaid the collected
7 overpayment plus simple interest based on the Surplus Money
8 Investment Fund.

9 (e) A county may not collect interest on the repayment of an
10 overpayment.

11 (f) There shall be a one-year statute of limitations from the date
12 upon which the county determined that there was an overpayment.

13 SEC. 108. Section 11466.25 of the Welfare and Institutions
14 Code is amended to read:

15 11466.25. Interest begins to accrue on a provider overpayment
16 or penalty on the date of the issuance of the penalty, the date of
17 issuance of the final audit report, or the date of the issuance of a
18 management decision letter in accordance with Section 11466.21,
19 or the date that a provider self-reports an overpayment.

20 SEC. 109. Section 11466.31 of the Welfare and Institutions
21 Code is amended to read:

22 11466.31. (a) When it has been determined that a provider
23 participating in the AFDC-FC program owes an overpayment that
24 is due and payable, the department may implement involuntary
25 offset collection procedures to collect sustained overpayments
26 from a provider if the provider does not enter into a voluntary
27 repayment agreement with the department or the provider has three
28 outstanding payments on a voluntary repayment agreement before
29 the overpayment is repaid.

30 (b) The minimum monthly overpayment offset amount from
31 monthly rate reimbursements shall be determined using the
32 involuntary collection procedures developed pursuant to paragraph
33 (4) of subdivision (d) of Section 11466.22. Overpayments shall
34 be offset against current monthly rate reimbursement payments
35 due and payable to a provider under this chapter.

36 (c) Failure to repay an overpayment shall be grounds for
37 termination of the provider's rate and shall result in a referral to
38 the department's Community Care Licensing Division for license
39 revocation.

1 SEC. 110. Section 11466.32 of the Welfare and Institutions
2 Code is amended to read:

3 11466.32. (a) If a provider that owes a sustained overpayment
4 pursuant to paragraph (2) of subdivision (d) of Section 11466.22
5 does not enter into a voluntary repayment agreement with the
6 department, or the provider has three outstanding payments on a
7 voluntary repayment agreement before the overpayment is repaid,
8 in addition to the monthly overpayment offset amount, 50 percent
9 of any increases resulting from California Necessities Index (CNI)
10 adjustments and provider's rate adjustments to the standard rate
11 that are due to a provider shall be withheld until the sustained
12 overpayment amount is collected. Once the overpayment amount
13 is collected, the provider shall begin to prospectively receive the
14 full amount of any California Necessities Index and rate adjustment
15 to which it is entitled.

16 (b) Any provider subject to involuntary repayment of a sustained
17 overpayment pursuant to Section 11466.31 shall be ineligible to
18 receive any rate increase or program change or expansion, until
19 the repayment is completed or until the host county or the primary
20 placement county provide the department with a request for waiver
21 of this paragraph.

22 SEC. 111. Section 11468 of the Welfare and Institutions Code
23 is amended to read:

24 11468. The department shall establish and maintain
25 administrative procedures to review the rate set by the department
26 for AFDC-FC programs, including, but not limited to, group
27 homes, short-term residential therapeutic programs, and foster
28 family agencies that provide treatment services.

29 SEC. 112. Section 11469 of the Welfare and Institutions Code
30 is amended to read:

31 11469. (a) The department shall develop, following
32 consultation with group home providers, the County Welfare
33 Directors Association of California, the Chief Probation Officers
34 of California, the County Behavioral Health Directors Association
35 of California, the State Department of Health Care Services, and
36 stakeholders, performance standards and outcome measures for
37 determining the effectiveness of the care and supervision, as
38 defined in subdivision (b) of Section 11460, provided by group
39 homes under the AFDC-FC program pursuant to Sections 11460
40 and 11462. These standards shall be designed to measure group

1 home program performance for the client group that the group
2 home program is designed to serve.

3 (1) The performance standards and outcome measures shall be
4 designed to measure the performance of group home programs in
5 areas over which the programs have some degree of influence, and
6 in other areas of measurable program performance that the
7 department can demonstrate are areas over which group home
8 programs have meaningful managerial or administrative influence.

9 (2) These standards and outcome measures shall include, but
10 are not limited to, the effectiveness of services provided by each
11 group home program, and the extent to which the services provided
12 by the group home assist in obtaining the child welfare case plan
13 objectives for the child.

14 (3) In addition, when the group home provider has identified
15 as part of its program for licensing, ratesetting, or county placement
16 purposes, or has included as a part of a child's case plan by mutual
17 agreement between the group home and the placing agency,
18 specific mental health, education, medical, and other child-related
19 services, the performance standards and outcome measures may
20 also measure the effectiveness of those services.

21 (b) Regulations regarding the implementation of the group home
22 performance standards system required by this section shall be
23 adopted no later than one year prior to implementation. The
24 regulations shall specify both the performance standards system
25 and the manner by which the AFDC-FC rate of a group home
26 program shall be adjusted if performance standards are not met.

27 (c) Except as provided in subdivision (d), effective July 1, 1995,
28 group home performance standards shall be implemented. Any
29 group home program not meeting the performance standards shall
30 have its AFDC-FC rate, set pursuant to Section 11462, adjusted
31 according to the regulations required by this section.

32 (d) A group home program shall be classified at rate
33 classification level 13 or 14 only if it has been granted an extension
34 pursuant to subdivision (d) of Section 11462.04 and all of the
35 following are met:

36 (1) The program generates the requisite number of points for
37 rate classification level 13 or 14.

38 (2) The program only accepts children with special treatment
39 needs as determined through the assessment process pursuant to
40 paragraph (2) of subdivision (a) of Section 11462.01.

1 (3) The program meets the performance standards designed
2 pursuant to this section.

3 (e) Notwithstanding subdivision (c), the group home program
4 performance standards system shall not be implemented prior to
5 the implementation of the AFDC-FC performance standards
6 system.

7 (f) On or before January 1, 2016, the department shall develop,
8 following consultation with the County Welfare Directors
9 Association of California, the Chief Probation Officers of
10 California, the County Behavioral Health Directors Association
11 of California, research entities, foster children, advocates for foster
12 children, foster care provider business entities organized and
13 operated on a nonprofit basis, Indian tribes, and other stakeholders,
14 additional performance standards and outcome measures that
15 require group homes to implement programs and services to
16 minimize law enforcement contacts and delinquency petition filings
17 arising from incidents of allegedly unlawful behavior by minors
18 occurring in group homes or under the supervision of group home
19 staff, including individualized behavior management programs,
20 emergency intervention plans, and conflict resolution processes.

21 (g) On or before January 1, 2017, the department shall develop,
22 following consultation with the County Welfare Directors
23 Association of California, the Chief Probation Officers of
24 California, the County Behavioral Health Directors Association
25 of California, the Medical Board of California, research entities,
26 foster children advocates for foster children, foster care provider
27 business entities organized and operated on a nonprofit basis,
28 Indian tribes, and other stakeholders, additional performance
29 standards and outcome measures that require group homes and
30 short-term residential therapeutic programs to implement
31 alternative programs and services, including individualized
32 behavior management programs, emergency intervention plans,
33 and conflict resolution processes.

34 (h) Performance standards and outcome measures developed
35 pursuant to this section shall apply to short-term residential
36 therapeutic programs.

37 SEC. 113. Section 16000 of the Welfare and Institutions Code
38 is amended to read:

39 16000. (a) It is the intent of the Legislature to preserve and
40 strengthen a child's family ties whenever possible, removing the

1 child from the custody of his or her parents only when necessary
2 for his or her welfare or for the safety and protection of the public.
3 If a child is removed from the physical custody of his or her
4 parents, preferential consideration shall be given whenever possible
5 to the placement of the child with the relative as required by
6 Section 7950 of the Family Code. If the child is removed from his
7 or her own family, it is the purpose of this chapter to secure as
8 nearly as possible for the child the custody, care, and discipline
9 equivalent to that which should have been given to the child by
10 his or her parents. It is further the intent of the Legislature to
11 reaffirm its commitment to children who are in out-of-home
12 placement to live in the least restrictive family setting promoting
13 normal childhood experiences that is suited to meet the child's or
14 youth's individual needs, and to live as close to the child's family
15 as possible pursuant to subdivision (c) of Section 16501.1. Family
16 reunification services shall be provided for expeditious
17 reunification of the child with his or her family, as required by
18 law. If reunification is not possible or likely, a permanent
19 alternative shall be developed.

20 (b) It is further the intent of the Legislature that all children live
21 with a committed, permanent, and nurturing family. Services and
22 supports should be tailored to meet the needs of the individual
23 child and family being served, with the ultimate goal of maintaining
24 the family, or when this is not possible, transitioning the child or
25 youth to a permanent family or preparing the child or youth for a
26 successful transition into adulthood. When needed, short-term
27 residential therapeutic program services are a short-term,
28 specialized, and intensive intervention that is just one part of a
29 continuum of care available for children, youth, young adults, and
30 their families.

31 (c) It is further the intent of the Legislature to ensure that all
32 pupils in foster care and those who are homeless as defined by the
33 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
34 Sec. 11301 et seq.) have the opportunity to meet the challenging
35 state pupil academic achievement standards to which all pupils
36 are held. In fulfilling their responsibilities to pupils in foster care,
37 educators, county placing agencies, care providers, advocates, and
38 the juvenile courts shall work together to maintain stable school
39 placements and to ensure that each pupil is placed in the least
40 restrictive educational programs, and has access to the academic

resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.

SEC. 114. Section 16501 of the Welfare and Institutions Code is amended to read:

16501. (a) (1) As used in this chapter, “child welfare services” means public social services that are directed toward the accomplishment of any or all of the following purposes: protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; restoring to their families children who have been removed, by the provision of services to the child and the families; identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) “Child welfare services” also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child’s case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) “Child welfare services” are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a

1 team-based approach, such as a child and family team. A child
2 and family team brings together individuals that engage with the
3 child or youth and family in assessing, planning, and delivering
4 services consistent with paragraph (1) of subdivision (d) of Section
5 16501.1. Use of a team approach increases efficiency, and thus
6 reduces cost, by increasing coordination of formal services and
7 integrating the natural and informal supports available to the child
8 or youth and family.

9 (4) “Child and family team” means a group of individuals who
10 are convened by the placing agency and who are engaged through
11 a variety of team-based processes to identify the strengths and
12 needs of the child or youth and his or her family, and to help
13 achieve positive outcomes for safety, permanency, and well-being.

14 (A) The activities of the team shall include, but not be limited
15 to, both of the following:

16 (i) Providing input into the development of a child and family
17 plan that is strengths-based, needs-driven, and culturally relevant.

18 (ii) Providing input into the placement decision made by the
19 placing agency and the services to be provided in order to support
20 the child or youth.

21 (B) The child and family team process shall engage the child
22 or youth, the child’s family, and other people important to the
23 family or to the child or youth in meeting the objectives set forth
24 in subparagraph (A). The child and family team shall also include
25 representatives who provide formal supports to the child or youth
26 and family when appropriate, including, but not limited to, the
27 caregiver, the placing agency caseworker, a representative from a
28 foster family agency or short-term residential therapeutic program
29 with which a child or youth is placed, a county mental health
30 representative, a representative from the regional center when the
31 child is eligible for regional center service, and a representative
32 of the child’s or youth’s tribe or Indian custodian, as applicable.
33 As appropriate, the child and family team also may include other
34 formal supports, such as substance use disorder treatment
35 professionals and educational professionals, providing services to
36 the child or youth and family. For purposes of this definition, the
37 child and family team also may include extended family and
38 informal support persons, such as friends, coaches, faith-based
39 connections, and tribes as identified by the child or youth and
40 family. If placement into a short-term residential therapeutic

1 program or a foster family agency that provides treatment services
2 has occurred or is being considered, the mental health
3 representative is required to be a licensed mental health
4 professional. Any party to the child's case who is represented by
5 an attorney may consult with his or her attorney regarding this
6 process. The child or youth and his or her family may request
7 specific persons to be included on the child and family team.
8 Nothing shall preclude another agency serving the child or youth
9 from convening a team in collaboration with the placing agency.

10 (5) Child welfare services may include, but are not limited to,
11 a range of service-funded activities, including case management,
12 counseling, emergency shelter care, emergency in-home caretakers,
13 temporary in-home caretakers, respite care, therapeutic day
14 services, teaching and demonstrating homemakers, parenting
15 training, substance abuse testing, and transportation. These
16 service-funded activities shall be available to children and their
17 families in all phases of the child welfare program in accordance
18 with the child's case plan and departmental regulations. Funding
19 for services is limited to the amount appropriated in the annual
20 Budget Act and other available county funds.

21 (6) Service-funded activities to be provided may be determined
22 by each county, based upon individual child and family needs as
23 reflected in the service plan.

24 (7) As used in this chapter, "emergency shelter care" means
25 emergency shelter provided to children who have been removed
26 pursuant to Section 300 from their parent or parents or their
27 guardian or guardians. The department may establish, by
28 regulation, the time periods for which emergency shelter care shall
29 be funded. For the purposes of this paragraph, "emergency shelter
30 care" may include "transitional shelter care facilities" as defined
31 in paragraph (11) of subdivision (a) of Section 1502 of the Health
32 and Safety Code.

33 (b) As used in this chapter, "respite care" means temporary care
34 for periods not to exceed 72 hours, and, in order to preserve the
35 placement, may be extended up to 14 days in any one month
36 pending the development of policies and regulations in consultation
37 with county placing agencies and stakeholders. This care may be
38 provided to the child's parents or guardians. This care shall not be
39 limited by regulation to care over 24 hours. These services shall
40 not be provided for the purpose of routine, ongoing child care.

1 (c) The county shall provide child welfare services as needed
2 pursuant to an approved service plan and in accordance with
3 regulations promulgated, in consultation with the counties, by the
4 department. Counties may contract for service-funded activities
5 as defined in paragraph (1) of subdivision (a). Counties shall not
6 contract for needs assessment, client eligibility determination, or
7 any other activity as specified by regulations of the State
8 Department of Social Services, except as specifically authorized
9 in Section 16100.

10 (d) Nothing in this chapter shall be construed to affect duties
11 which are delegated to probation officers pursuant to Sections 601
12 and 654.

13 (e) Any county may utilize volunteer individuals to supplement
14 professional child welfare services by providing ancillary support
15 services in accordance with regulations adopted by the State
16 Department of Social Services.

17 (f) As used in this chapter, emergency response services consist
18 of a response system providing in-person response, 24 hours a day,
19 seven days a week, to reports of abuse, neglect, or exploitation, as
20 required by Article 2.5 (commencing with Section 11164) of
21 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
22 investigation pursuant to Section 11166 of the Penal Code and to
23 determine the necessity for providing initial intake services and
24 crisis intervention to maintain the child safely in his or her own
25 home or to protect the safety of the child. County welfare
26 departments shall respond to any report of imminent danger to a
27 child immediately and all other reports within 10 calendar days.
28 An in-person response is not required when the county welfare
29 department, based upon an evaluation of risk, determines that an
30 in-person response is not appropriate. This evaluation includes
31 collateral, contacts, a review of previous referrals, and other
32 relevant information, as indicated.

33 (g) As used in this chapter, family maintenance services are
34 activities designed to provide in-home protective services to
35 prevent or remedy neglect, abuse, or exploitation, for the purposes
36 of preventing separation of children from their families.

37 (h) As used in this chapter, family reunification services are
38 activities designed to provide time-limited foster care services to
39 prevent or remedy neglect, abuse, or exploitation, when the child

1 cannot safely remain at home, and needs temporary foster care,
2 while services are provided to reunite the family.

3 (i) (1) As used in this chapter, permanent placement services
4 are activities designed to provide an alternate permanent family
5 structure for children who because of abuse, neglect, or exploitation
6 cannot safely remain at home and who are unlikely to ever return
7 home. These services shall be provided on behalf of children for
8 whom there has been a judicial determination of a permanent plan
9 for adoption, legal guardianship, placement with a fit and willing
10 relative, or continued foster care placement, and, as needed, shall
11 include supportive transition services to nonminor dependents, as
12 described in subdivision (v) of Section 11400.

13 (2) For purposes of this section, “another planned permanent
14 living arrangement” means a permanent plan ordered by the court
15 for a child 16 years of age or older or a nonminor dependent, when
16 there is a compelling reason or reasons to determine that it is not
17 in the best interest of the child or nonminor dependent to return
18 home, be placed for adoption, be placed for tribal customary
19 adoption in the case of an Indian child, or be placed with a fit and
20 willing relative. Placement in a group home, or, on and after
21 January 1, 2017, a short-term residential therapeutic program, shall
22 not be the identified permanent plan for any child or nonminor
23 dependent.

24 (j) As used in this chapter, family preservation services include
25 those services specified in Section 16500.5 to avoid or limit
26 out-of-home placement of children, and may include those services
27 specified in that section to place children in the least restrictive
28 environment possible.

29 (k) (1) (A) In any county electing to implement this
30 subdivision, all county welfare department employees who have
31 frequent and routine contact with children shall, by February 1,
32 1997, and all welfare department employees who are expected to
33 have frequent and routine contact with children and who are hired
34 on or after January 1, 1996, and all such employees whose duties
35 change after January 1, 1996, to include frequent and routine
36 contact with children, shall, if the employees provide services to
37 children who are alleged victims of abuse, neglect, or exploitation,
38 sign a declaration under penalty of perjury regarding any prior
39 criminal conviction, and shall provide a set of fingerprints to the
40 county welfare director.

1 (B) The county welfare director shall secure from the
2 Department of Justice a criminal record to determine whether the
3 employee has ever been convicted of a crime other than a minor
4 traffic violation. The Department of Justice shall deliver the
5 criminal record to the county welfare director.

6 (C) If it is found that the employee has been convicted of a
7 crime, other than a minor traffic violation, the county welfare
8 director shall determine whether there is substantial and convincing
9 evidence to support a reasonable belief that the employee is of
10 good character so as to justify frequent and routine contact with
11 children.

12 (D) No exemption shall be granted pursuant to subparagraph
13 (C) if the person has been convicted of a sex offense against a
14 minor, or has been convicted of an offense specified in Section
15 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
16 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
17 Section 368 of, the Penal Code, or has been convicted of an offense
18 specified in subdivision (c) of Section 667.5 of the Penal Code.
19 The county welfare director shall suspend such a person from any
20 duties involving frequent and routine contact with children.

21 (E) Notwithstanding subparagraph (D), the county welfare
22 director may grant an exemption if the employee or prospective
23 employee, who was convicted of a crime against an individual
24 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
25 of the Penal Code, has been rehabilitated as provided in Section
26 4852.03 of the Penal Code and has maintained the conduct required
27 in Section 4852.05 of the Penal Code for at least 10 years and has
28 the recommendation of the district attorney representing the
29 employee's or prospective employee's county of residence, or if
30 the employee or prospective employee has received a certificate
31 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
32 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
33 county welfare director may give the employee or prospective
34 employee an opportunity to explain the conviction and shall
35 consider that explanation in the evaluation of the criminal
36 conviction record.

37 (F) If no criminal record information has been recorded, the
38 county welfare director shall cause a statement of that fact to be
39 included in that person's personnel file.

(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

SEC. 115. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(3) The agency shall consider the recommendations of the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, if any are available. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(b) (1) A case plan shall be based upon the principles of this section and the input from the child and family team.

(2) The case plan shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. Preplacement services may include intensive mental health services in the home

1 or a community setting and the reasonable efforts made to prevent
2 out-of-home placement.

3 (3) In determining the reasonable services to be offered or
4 provided, the child's health and safety shall be the paramount
5 concerns.

6 (4) Upon a determination pursuant to paragraph (1) of
7 subdivision (e) of Section 361.5 that reasonable services will be
8 offered to a parent who is incarcerated in a county jail or state
9 prison, detained by the United States Department of Homeland
10 Security, or deported to his or her country of origin, the case plan
11 shall include information, to the extent possible, about a parent's
12 incarceration in a county jail or the state prison, detention by the
13 United States Department of Homeland Security, or deportation
14 during the time that a minor child of that parent is involved in
15 dependency care.

16 (5) Reasonable services shall be offered or provided to make it
17 possible for a child to return to a safe home environment, unless,
18 pursuant to subdivisions (b) and (e) of Section 361.5, the court
19 determines that reunification services shall not be provided.

20 (6) If reasonable services are not ordered, or are terminated,
21 reasonable efforts shall be made to place the child in a timely
22 manner in accordance with the permanent plan and to complete
23 all steps necessary to finalize the permanent placement of the child.

24 (c) If out-of-home placement is used to attain case plan goals,
25 the case plan shall consider the recommendations of the child and
26 family team.

27 (d) (1) The case plan shall include a description of the type of
28 home or institution in which the child is to be placed, and the
29 reasons for that placement decision. The decision regarding choice
30 of placement shall be based upon selection of a safe setting that is
31 the least restrictive family setting that promotes normal childhood
32 experiences and the most appropriate setting that meets the child's
33 individual needs and is available, in proximity to the parent's home,
34 in proximity to the child's school, and consistent with the selection
35 of the environment best suited to meet the child's special needs
36 and best interests. The selection shall consider, in order of priority,
37 placement with relatives, nonrelated extended family members,
38 and tribal members; foster family homes, resource families, and
39 nontreatment certified homes of foster family agencies; followed
40 by treatment and intensive treatment certified homes of foster

1 family agencies; or multidimensional treatment foster care homes
2 or therapeutic foster care homes; group care placements in the
3 order of short-term residential therapeutic programs, group homes,
4 community treatment facilities, and out-of-state residential
5 treatment pursuant to Part 5 (commencing with Section 7900) of
6 Division 12 of the Family Code.

7 (2) If a short-term residential therapeutic program placement is
8 selected for a child, the case plan shall indicate the needs of the
9 child that necessitate this placement, the plan for transitioning the
10 child to a less restrictive environment, and the projected timeline
11 by which the child will be transitioned to a less restrictive
12 environment. This section of the case plan shall be reviewed and
13 updated at least semiannually.

14 (A) The case plan for placements in a group home, or
15 commencing January 1, 2017, in a short-term residential therapeutic
16 program, shall indicate that the county has taken into consideration
17 Section 16010.8.

18 (B) After January 1, 2017, a child and family team meeting as
19 ~~defined~~ *described* in Section 16501 shall be convened by the county
20 placing agency for the purpose of identifying the supports and
21 services needed to achieve permanency and enable the child or
22 youth to be placed in the least restrictive family setting that
23 promotes normal childhood experiences.

24 (3) On or after January 1, 2012, for a nonminor dependent, as
25 defined in subdivision (v) of Section 11400, who is receiving
26 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
27 in addition to the above requirements, the selection of the
28 placement, including a supervised independent living placement,
29 as described in subdivision (w) of Section 11400, shall also be
30 based upon the developmental needs of young adults by providing
31 opportunities to have incremental responsibilities that prepare a
32 nonminor dependent to transition to successful adulthood. If
33 admission to, or continuation in, a group home or short-term
34 residential therapeutic program placement is being considered for
35 a nonminor dependent, the group home or short-term residential
36 therapeutic program placement approval decision shall include a
37 youth-driven, team-based case planning process, as defined by the
38 department, in consultation with stakeholders. The case plan shall
39 consider the full range of placement options, and shall specify why
40 admission to, or continuation in, a group home placement is the

1 best alternative available at the time to meet the special needs or
2 well-being of the nonminor dependent, and how the placement
3 will contribute to the nonminor dependent's transition to successful
4 adulthood. The case plan shall specify the treatment strategies that
5 will be used to prepare the nonminor dependent for discharge to
6 a less restrictive family setting that promotes normal childhood
7 experiences, including a target date for discharge from the group
8 home placement. The placement shall be reviewed and updated
9 on a regular, periodic basis to ensure that continuation in the group
10 home placement remains in the best interests of the nonminor
11 dependent and that progress is being made in achieving case plan
12 goals leading to successful adulthood. The group home placement
13 planning process shall begin as soon as it becomes clear to the
14 county welfare department or probation office that a foster child
15 in group home placement is likely to remain in group home
16 placement on his or her 18th birthday, in order to expedite the
17 transition to a less restrictive family setting that promotes normal
18 childhood experiences, if he or she becomes a nonminor dependent.
19 The case planning process shall include informing the youth of all
20 of his or her options, including, but not limited to, admission to
21 or continuation in a group home placement. Consideration for
22 continuation of existing group home placement for a nonminor
23 dependent under 19 years of age may include the need to stay in
24 the same placement in order to complete high school. After a
25 nonminor dependent either completes high school or attains his or
26 her 19th birthday, whichever is earlier, continuation in or admission
27 to a group home placement is prohibited unless the nonminor
28 dependent satisfies the conditions of paragraph (5) of subdivision
29 (b) of Section 11403, and group home placement functions as a
30 short-term transition to the appropriate system of care. Treatment
31 services provided by the group home placement to the nonminor
32 dependent to alleviate or ameliorate the medical condition, as
33 described in paragraph (5) of subdivision (b) of Section 11403,
34 shall not constitute the sole basis to disqualify a nonminor
35 dependent from the group home placement.

36 (4) In addition to the requirements of paragraphs (1) to (3),
37 inclusive, and taking into account other statutory considerations
38 regarding placement, the selection of the most appropriate home
39 that will meet the child's special needs and best interests shall also
40 promote educational stability by taking into consideration

1 proximity to the child's school of origin, and school attendance
2 area, the number of school transfers the child has previously
3 experienced, and the child's school matriculation schedule, in
4 addition to other indicators of educational stability that the
5 Legislature hereby encourages the State Department of Social
6 Services and the State Department of Education to develop.

7 (e) A written case plan shall be completed within a maximum
8 of 60 days of the initial removal of the child or of the in-person
9 response required under subdivision (f) of Section 16501 if the
10 child has not been removed from his or her home, or by the date
11 of the dispositional hearing pursuant to Section 358, whichever
12 occurs first. The case plan shall be updated, as the service needs
13 of the child and family dictate. At a minimum, the case plan shall
14 be updated in conjunction with each status review hearing
15 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
16 the hearing conducted pursuant to Section 366.26, but no less
17 frequently than once every six months. Each updated case plan
18 shall include a description of the services that have been provided
19 to the child under the plan and an evaluation of the appropriateness
20 and effectiveness of those services.

21 (1) It is the intent of the Legislature that extending the maximum
22 time available for preparing a written case plan from 30 to 60 days
23 will afford caseworkers time to actively engage families, and to
24 solicit and integrate into the case plan the input of the child and
25 the child's family, as well as the input of relatives and other
26 interested parties.

27 (2) The extension of the maximum time available for preparing
28 a written case plan from the 30 to 60 days shall be effective 90
29 days after the date that the department gives counties written notice
30 that necessary changes have been made to the Child Welfare
31 Services/Case Management System (CWS/CMS) to account for
32 the 60-day timeframe for preparing a written case plan.

33 (f) The child welfare services case plan shall be comprehensive
34 enough to meet the juvenile court dependency proceedings
35 requirements pursuant to Article 6 (commencing with Section 300)
36 of Chapter 2 of Part 1 of Division 2.

37 (g) The case plan shall be developed considering the
38 recommendations of the child and family team, as follows:

39 (1) The case plan shall be based upon an assessment of the
40 circumstances that required child welfare services intervention.

1 The child shall be involved in developing the case plan as age and
2 developmentally appropriate.

3 (2) The case plan shall identify specific goals and the
4 appropriateness of the planned services in meeting those goals.

5 (3) The case plan shall identify the original allegations of abuse
6 or neglect, as defined in Article 2.5 (commencing with Section
7 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
8 conditions cited as the basis for declaring the child a dependent of
9 the court pursuant to Section 300, or all of these, and the other
10 precipitating incidents that led to child welfare services
11 intervention.

12 (4) The case plan shall include a description of the schedule of
13 the placement agency contacts with the child and the family or
14 other caretakers. The frequency of these contacts shall be in
15 accordance with regulations adopted by the State Department of
16 Social Services. If the child has been placed in foster care out of
17 state, the county social worker or probation officer, or a social
18 worker or probation officer on the staff of the agency in the state
19 in which the child has been placed, shall visit the child in a foster
20 family home or the home of a relative, consistent with federal law
21 and in accordance with the department's approved state plan. For
22 children in out-of-state group home facilities, visits shall be
23 conducted at least monthly, pursuant to Section 16516.5. At least
24 once every six months, at the time of a regularly scheduled
25 placement agency contact with the foster child, the child's social
26 worker or probation officer shall inform the child of his or her
27 rights as a foster child, as specified in Section 16001.9. The social
28 worker or probation officer shall provide the information to the
29 child in a manner appropriate to the age or developmental level of
30 the child.

31 (5) (A) When out-of-home services are used, the frequency of
32 contact between the natural parents or legal guardians and the child
33 shall be specified in the case plan. The frequency of those contacts
34 shall reflect overall case goals, and consider other principles
35 outlined in this section.

36 (B) Information regarding any court-ordered visitation between
37 the child and the natural parents or legal guardians, and the terms
38 and conditions needed to facilitate the visits while protecting the
39 safety of the child, shall be provided to the child's out-of-home
40 caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) A case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in

1 the best interests of the child, assurances by the placement agency
2 and the local educational agency to provide immediate and
3 appropriate enrollment in a new school and to provide all of the
4 child's educational records to the new school.

5 (9) (A) If out-of-home services are used, or if parental rights
6 have been terminated and the case plan is placement for adoption,
7 the case plan shall include a recommendation regarding the
8 appropriateness of unsupervised visitation between the child and
9 any of the child's siblings. This recommendation shall include a
10 statement regarding the child's and the siblings' willingness to
11 participate in unsupervised visitation. If the case plan includes a
12 recommendation for unsupervised sibling visitation, the plan shall
13 also note that information necessary to accomplish this visitation
14 has been provided to the child or to the child's siblings.

15 (B) Information regarding the schedule and frequency of the
16 visits between the child and siblings, as well as any court-ordered
17 terms and conditions needed to facilitate the visits while protecting
18 the safety of the child, shall be provided to the child's out-of-home
19 caregiver as soon as possible after the court order is made.

20 (10) If out-of-home services are used and the goal is
21 reunification, the case plan shall describe the services to be
22 provided to assist in reunification and the services to be provided
23 concurrently to achieve legal permanency if efforts to reunify fail.
24 The plan shall also consider in-state and out-of-state placements,
25 the importance of developing and maintaining sibling relationships
26 pursuant to Section 16002, and the desire and willingness of the
27 caregiver to provide legal permanency for the child if reunification
28 is unsuccessful.

29 (11) If out-of-home services are used, the child has been in care
30 for at least 12 months, and the goal is not adoptive placement, the
31 case plan shall include documentation of the compelling reason
32 or reasons why termination of parental rights is not in the child's
33 best interest. A determination completed or updated within the
34 past 12 months by the department when it is acting as an adoption
35 agency or by a licensed adoption agency that it is unlikely that the
36 child will be adopted, or that one of the conditions described in
37 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
38 be deemed a compelling reason.

39 (12) (A) Parents and legal guardians shall have an opportunity
40 to review the case plan, and to sign it whenever possible, and then

1 shall receive a copy of the plan. In a voluntary service or placement
2 agreement, the parents or legal guardians shall be required to
3 review and sign the case plan. Whenever possible, parents and
4 legal guardians shall participate in the development of the case
5 plan. Commencing January 1, 2012, for nonminor dependents, as
6 defined in subdivision (v) of Section 11400, who are receiving
7 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
8 to Section 11403, the transitional independent living case plan, as
9 set forth in subdivision (y) of Section 11400, shall be developed
10 with, and signed by, the nonminor.

11 (B) Parents and legal guardians shall be advised that, pursuant
12 to Section 1228.1 of the Evidence Code, neither their signature on
13 the child welfare services case plan nor their acceptance of any
14 services prescribed in the child welfare services case plan shall
15 constitute an admission of guilt or be used as evidence against the
16 parent or legal guardian in a court of law. However, they shall also
17 be advised that the parent's or guardian's failure to cooperate,
18 except for good cause, in the provision of services specified in the
19 child welfare services case plan may be used in any hearing held
20 pursuant to Section 366.21, 366.22, or 366.25 of this code as
21 evidence.

22 (13) A child shall be given a meaningful opportunity to
23 participate in the development of the case plan and state his or her
24 preference for foster care placement. A child who is 12 years of
25 age or older and in a permanent placement shall also be given the
26 opportunity to review the case plan, sign the case plan, and receive
27 a copy of the case plan.

28 (14) The case plan shall be included in the court report and shall
29 be considered by the court at the initial hearing and each review
30 hearing. Modifications to the case plan made during the period
31 between review hearings need not be approved by the court if the
32 casework supervisor for that case determines that the modifications
33 further the goals of the plan. If out-of-home services are used with
34 the goal of family reunification, the case plan shall consider and
35 describe the application of subdivision (b) of Section 11203.

36 (15) (A) If the case plan has as its goal for the child a permanent
37 plan of adoption or legal guardianship, it shall include a statement
38 of the child's wishes regarding their permanent placement plan
39 and an assessment of those stated wishes. The agency shall also
40 include documentation of the steps the agency is taking to find an

1 adoptive family or other permanent living arrangements for the
2 child; to place the child with an adoptive family, an appropriate
3 and willing relative, or a legal guardian, and to finalize the adoption
4 or legal guardianship. At a minimum, the documentation shall
5 include child-specific recruitment efforts, such as the use of state,
6 regional, and national adoption exchanges, including electronic
7 exchange systems, when the child has been freed for adoption.
8 Regardless of whether the child has been freed for adoption,
9 documentation shall include a description of any barriers to
10 achieving legal permanence and the steps the agency will take to
11 address those barriers. If the plan is for kinship guardianship, the
12 case plan shall document how the child meets the kinship
13 guardianship eligibility requirements.

14 (B) When the child is 16 years of age or older and is in another
15 planned permanent living arrangement, the case plan shall identify
16 the intensive and ongoing efforts to return the child to the home
17 of the parent, place the child for adoption, place the child for tribal
18 customary adoption in the case of an Indian child, establish a legal
19 guardianship, or place the child nonminor dependent with a fit and
20 willing relative, as appropriate. Efforts shall include the use of
21 technology, including social media, to find biological family
22 members of the child.

23 (16) (A) (i) For a child who is 14 or 15 years of age, the case
24 plan shall include a written description of the programs and services
25 that will help the child, consistent with the child's best interests,
26 to prepare for the transition from foster care to successful
27 adulthood. The description may be included in the document
28 described in subparagraph (A) of paragraph (18).

29 (ii) When appropriate, for a child who is 16 years of age or older
30 and, commencing January 1, 2012, for a nonminor dependent, the
31 case plan shall include the transitional independent living plan
32 (TILP), a written description of the programs and services that
33 will help the child, consistent with the child's best interests, to
34 prepare for the transition from foster care to successful adulthood,
35 and, in addition, whether the youth has an in-progress application
36 pending for Title XVI Supplemental Security Income benefits or
37 for Special Immigrant Juvenile Status or other applicable
38 application for legal residency and an active dependency case is
39 required for that application. When appropriate, for a nonminor
40 dependent, the transitional independent living case plan, as

1 described in subdivision (v) of Section 11400, shall include the
2 TILP, a written description of the programs and services that will
3 help the nonminor dependent, consistent with his or her best
4 interests, to prepare for transition from foster care and assist the
5 youth in meeting the eligibility criteria set forth in paragraphs (1)
6 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
7 the case plan shall describe the individualized supervision provided
8 in the supervised independent living placement as defined in
9 subdivision (w) of Section 11400. The case plan shall be developed
10 with the child or nonminor dependent and individuals identified
11 as important to the child or nonminor dependent, and shall include
12 steps the agency is taking to ensure that the child or nonminor
13 dependent achieves permanence, including maintaining or
14 obtaining permanent connections to caring and committed adults.

15 (B) During the 90-day period prior to the participant attaining
16 18 years of age or older as the state may elect under Section
17 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
18 675(8)(B)(iii)), whether during that period foster care maintenance
19 payments are being made on the child's behalf or the child is
20 receiving benefits or services under Section 477 of the federal
21 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
22 appropriate agency staff or probation officer and other
23 representatives of the participant, as appropriate, shall provide the
24 youth or nonminor dependent with assistance and support in
25 developing the written 90-day transition plan, that is personalized
26 at the direction of the child, information as detailed as the
27 participant elects that shall include, but not be limited to, options
28 regarding housing, health insurance, education, local opportunities
29 for mentors and continuing support services, and workforce
30 supports and employment services, a power of attorney for health
31 care, and information regarding the advance health care directive
32 form.

33 (C) For youth 14 years of age or older, the case plan shall
34 include documentation that a consumer credit report was requested
35 annually from each of the three major credit reporting agencies at
36 no charge to the youth and that any results were provided to the
37 youth. For nonminor dependents, the case plan shall include
38 documentation that the county assisted the nonminor dependent
39 in obtaining his or her reports. The case plan shall include
40 documentation of barriers, if any, to obtaining the credit reports.

1 If the consumer credit report reveals any accounts, the case plan
2 shall detail how the county ensured the youth received assistance
3 with interpreting the credit report and resolving any inaccuracies,
4 including any referrals made for the assistance.

5 (17) For youth 14 years of age or older and nonminor
6 dependents, the case plan shall be developed in consultation with
7 the youth. At the youth's option, the consultation may include up
8 to two members of the case planning team who are chosen by the
9 youth and who are not foster parents of, or caseworkers for, the
10 youth. The agency, at any time, may reject an individual selected
11 by the youth to be a member of the case planning team if the
12 agency has good cause to believe that the individual would not act
13 in the youth's best interest. One individual selected by the youth
14 to be a member of the case planning team may be designated to
15 be the youth's adviser and advocate with respect to the application
16 of the reasonable and prudent parent standard to the youth, as
17 necessary.

18 (18) For youth in foster care 14 years of age and older and
19 nonminor dependents, the case plan shall include both of the
20 following:

21 (A) A document that describes the youth's rights with respect
22 to education, health, visitation, and court participation, the right
23 to be annually provided with copies of his or her credit reports at
24 no cost while in foster care pursuant to Section 10618.6, and the
25 right to stay safe and avoid exploitation.

26 (B) A signed acknowledgment by the youth that he or she has
27 been provided a copy of the document and that the rights described
28 in the document have been explained to the youth in an
29 age-appropriate manner.

30 (19) The case plan for a child or nonminor dependent who is,
31 or who is at risk of becoming, the victim of commercial sexual
32 exploitation, shall document the services provided to address that
33 issue.

34 (h) If the court finds, after considering the case plan, that
35 unsupervised sibling visitation is appropriate and has been
36 consented to, the court shall order that the child or the child's
37 siblings, the child's current caregiver, and the child's prospective
38 adoptive parents, if applicable, be provided with information
39 necessary to accomplish this visitation. This section does not

1 require or prohibit the social worker's facilitation, transportation,
2 or supervision of visits between the child and his or her siblings.

3 (i) The case plan documentation on sibling placements required
4 under this section shall not require modification of existing case
5 plan forms until the Child Welfare ~~Service~~/Case Services/Case
6 Management System (CWS/CMS) is implemented on a statewide
7 basis.

8 (j) When a child is 10 years of age or older and has been in
9 out-of-home placement for six months or longer, the case plan
10 shall include an identification of individuals, other than the child's
11 siblings, who are important to the child and actions necessary to
12 maintain the child's relationship with those individuals, provided
13 that those relationships are in the best interest of the child. The
14 social worker or probation officer shall ask every child who is 10
15 years of age or older and who has been in out-of-home placement
16 for six months or longer to identify individuals other than the
17 child's siblings who are important to the child, and may ask any
18 other child to provide that information, or may seek that
19 information from the child and family team, as appropriate. The
20 social worker or probation officer shall make efforts to identify
21 other individuals who are important to the child, consistent with
22 the child's best interests.

23 (k) The child's caregiver shall be provided a copy of a plan
24 outlining the child's needs and services. The nonminor dependent's
25 caregiver shall be provided with a copy of the nonminor's TILP.

26 (l) Each county shall ensure that the total number of visits made
27 by caseworkers on a monthly basis to children in foster care during
28 a federal fiscal year is not less than 95 percent of the total number
29 of those visits that would occur if each child were visited once
30 every month while in care and that the majority of the visits occur
31 in the residence of the child. The county child welfare and
32 probation departments shall comply with data reporting
33 requirements that the department deems necessary to comply with
34 the federal Child and Family Services Improvement Act of 2006
35 (Public Law 109-288) and the federal Child and Family Services
36 Improvement and Innovation Act of 2011 (Public Law 112-34).

37 (m) The implementation and operation of the amendments to
38 subdivision (i) enacted at the 2005-06 Regular Session shall be
39 subject to appropriation through the budget process and by phase,
40 as provided in Section 366.35.

1 *SEC. 115.1. Section 16501.1 of the Welfare and Institutions*
2 *Code is amended to read:*

3 16501.1. (a) (1) The Legislature finds and declares that the
4 foundation and central unifying tool in child welfare services is
5 the case plan.

6 (2) The Legislature further finds and declares that a case plan
7 ensures that the child receives protection and safe and proper care
8 and case management, and that services are provided to the child
9 and parents or other caretakers, as appropriate, in order to improve
10 conditions in the parent's home, to facilitate the safe return of the
11 child to a safe home or the permanent placement of the child, and
12 to address the needs of the child while in foster care.

13 (3) The agency shall consider the recommendations of the child
14 and family team, as defined in paragraph (4) of subdivision (a) of
15 Section 16501, if any are available. The agency shall document
16 the rationale for any inconsistencies between the case plan and the
17 child and family team recommendations.

18 (b) (1) A case plan shall be based upon the principles of this
19 section and the input from the child and family team.

20 (2) The case plan shall document that a preplacement assessment
21 of the service needs of the child and family, and preplacement
22 preventive services, have been provided, and that reasonable efforts
23 to prevent out-of-home placement have been made. Preplacement
24 services may include intensive mental health services in the home
25 or a community setting and the reasonable efforts made to prevent
26 out-of-home placement.

27 (3) In determining the reasonable services to be offered or
28 provided, the child's health and safety shall be the paramount
29 concerns.

30 (4) Upon a determination pursuant to paragraph (1) of
31 subdivision (e) of Section 361.5 that reasonable services will be
32 offered to a parent who is incarcerated in a county jail or state
33 prison, detained by the United States Department of Homeland
34 Security, or deported to his or her country of origin, the case plan
35 shall include information, to the extent possible, about a parent's
36 incarceration in a county jail or the state prison, detention by the
37 United States Department of Homeland Security, or deportation
38 during the time that a minor child of that parent is involved in
39 dependency care.

1 (5) Reasonable services shall be offered or provided to make it
2 possible for a child to return to a safe home environment, unless,
3 pursuant to subdivisions (b) and (e) of Section 361.5, the court
4 determines that reunification services shall not be provided.

5 (6) If reasonable services are not ordered, or are terminated,
6 reasonable efforts shall be made to place the child in a timely
7 manner in accordance with the permanent plan and to complete
8 all steps necessary to finalize the permanent placement of the child.

9 (c) If out-of-home placement is used to attain case plan goals,
10 the case plan shall consider the recommendations of the child and
11 family team.

12 (d) (1) The case plan shall include a description of the type of
13 home or institution in which the child is to be placed, and the
14 reasons for that placement decision. The decision regarding choice
15 of placement shall be based upon selection of a safe setting that is
16 the least restrictive family setting that promotes normal childhood
17 experiences and the most appropriate setting that meets the child's
18 individual needs and is available, in proximity to the parent's home,
19 in proximity to the child's school, and consistent with the selection
20 of the environment best suited to meet the child's special needs
21 and best interests. The selection shall consider, in order of priority,
22 placement with relatives, nonrelated extended family members,
23 and tribal members; foster family homes, resource families, and
24 nontreatment certified homes of foster family agencies; followed
25 by treatment and intensive treatment certified homes of foster
26 family agencies; or multidimensional treatment foster care homes
27 or therapeutic foster care homes; group care placements in the
28 order of short-term residential ~~treatment centers~~, *therapeutic*
29 *programs*, group homes, community treatment facilities, and
30 out-of-state residential treatment pursuant to Part 5 (commencing
31 with Section 7900) of Division 12 of the Family Code.

32 (2) If a short-term ~~intensive treatment center~~ *residential*
33 *therapeutic program* placement is selected for a child, the case
34 plan shall indicate the needs of the child that necessitate this
35 placement, the plan for transitioning the child to a less restrictive
36 environment, and the projected timeline by which the child will
37 be transitioned to a less restrictive environment. This section of
38 the case plan shall be reviewed and updated at least semiannually.

39 (A) The case plan for placements in a group home, or
40 commencing January 1, 2017, in a short-term residential ~~treatment~~

1 ~~center~~, *therapeutic program*, shall indicate that the county has
2 taken into consideration Section 16010.8.

3 (B) After January 1, 2017, a child and family team meeting as
4 ~~defined~~ *described* in Section 16501 shall be convened by the county
5 placing agency for the purpose of identifying the supports and
6 services needed to achieve permanency and enable the child or
7 youth to be placed in the least restrictive family setting that
8 promotes normal childhood experiences.

9 (3) On or after January 1, 2012, for a nonminor dependent, as
10 defined in subdivision (v) of Section 11400, who is receiving
11 AFDC-FC benefits *and who is up to 21 years of age* pursuant to
12 Section 11403, in addition to the above requirements, the selection
13 of the placement, including a supervised independent living
14 placement, as described in subdivision (w) of Section 11400, shall
15 also be based upon the developmental needs of young adults by
16 providing opportunities to have incremental responsibilities that
17 prepare a nonminor dependent to transition to successful adulthood.
18 If admission to, or continuation in, a group home or short-term
19 residential-~~treatment-center~~ *therapeutic program* placement is
20 being considered for a nonminor dependent, the group home or
21 short-term residential-~~treatment-center~~ *therapeutic program*
22 placement approval decision shall include a youth-driven,
23 team-based case planning process, as defined by the department,
24 in consultation with stakeholders. The case plan shall consider the
25 full range of placement options, and shall specify why admission
26 to, or continuation in, a group home placement is the best
27 alternative available at the time to meet the special needs or
28 well-being of the nonminor dependent, and how the placement
29 will contribute to the nonminor dependent's transition to successful
30 adulthood. The case plan shall specify the treatment strategies that
31 will be used to prepare the nonminor dependent for discharge to
32 a less restrictive family setting that promotes normal childhood
33 experiences, including a target date for discharge from the group
34 home placement. The placement shall be reviewed and updated
35 on a regular, periodic basis to ensure that continuation in the group
36 home placement remains in the best interests of the nonminor
37 dependent and that progress is being made in achieving case plan
38 goals leading to successful adulthood. The group home placement
39 planning process shall begin as soon as it becomes clear to the
40 county welfare department or probation office that a foster child

1 in group home placement is likely to remain in group home
2 placement on his or her 18th birthday, in order to expedite the
3 transition to a less restrictive family setting that promotes normal
4 childhood experiences, if he or she becomes a nonminor dependent.
5 The case planning process shall include informing the youth of all
6 of his or her options, including, but not limited to, admission to
7 or continuation in a group home placement. Consideration for
8 continuation of existing group home placement for a nonminor
9 dependent under 19 years of age may include the need to stay in
10 the same placement in order to complete high school. After a
11 nonminor dependent either completes high school or attains his or
12 her 19th birthday, whichever is earlier, continuation in or admission
13 to a group home placement is prohibited unless the nonminor
14 dependent satisfies the conditions of paragraph (5) of subdivision
15 (b) of Section 11403, and group home placement functions as a
16 short-term transition to the appropriate system of care. Treatment
17 services provided by the group home placement to the nonminor
18 dependent to alleviate or ameliorate the medical condition, as
19 described in paragraph (5) of subdivision (b) of Section 11403,
20 shall not constitute the sole basis to disqualify a nonminor
21 dependent from the group home placement.

22 (4) In addition to the requirements of paragraphs (1) to (3),
23 inclusive, and taking into account other statutory considerations
24 regarding placement, the selection of the most appropriate home
25 that will meet the child's special needs and best interests shall also
26 promote educational stability by taking into consideration
27 proximity to the child's school of origin, and school attendance
28 area, the number of school transfers the child has previously
29 experienced, and the child's school matriculation schedule, in
30 addition to other indicators of educational stability that the
31 Legislature hereby encourages the State Department of Social
32 Services and the State Department of Education to develop.

33 (e) A written case plan shall be completed within a maximum
34 of 60 days of the initial removal of the child or of the in-person
35 response required under subdivision (f) of Section 16501 if the
36 child has not been removed from his or her home, or by the date
37 of the dispositional hearing pursuant to Section 358, whichever
38 occurs first. The case plan shall be updated, as the service needs
39 of the child and family dictate. At a minimum, the case plan shall
40 be updated in conjunction with each status review hearing

1 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
2 the hearing conducted pursuant to Section 366.26, but no less
3 frequently than once every six months. Each updated case plan
4 shall include a description of the services that have been provided
5 to the child under the plan and an evaluation of the appropriateness
6 and effectiveness of those services.

7 (1) It is the intent of the Legislature that extending the maximum
8 time available for preparing a written case plan from 30 to 60 days
9 will afford caseworkers time to actively engage families, and to
10 solicit and integrate into the case plan the input of the child and
11 the child's family, as well as the input of relatives and other
12 interested parties.

13 (2) The extension of the maximum time available for preparing
14 a written case plan from the 30 to 60 days shall be effective 90
15 days after the date that the department gives counties written notice
16 that necessary changes have been made to the Child Welfare
17 Services/Case Management System (CWS/CMS) to account for
18 the 60-day timeframe for preparing a written case plan.

19 (f) The child welfare services case plan shall be comprehensive
20 enough to meet the juvenile court dependency proceedings
21 requirements pursuant to Article 6 (commencing with Section 300)
22 of Chapter 2 of Part 1 of Division 2.

23 (g) The case plan shall be developed considering the
24 recommendations of the child and family team, as follows:

25 (1) The case plan shall be based upon an assessment of the
26 circumstances that required child welfare services intervention.
27 The child shall be involved in developing the case plan as age and
28 developmentally appropriate.

29 (2) The case plan shall identify specific goals and the
30 appropriateness of the planned services in meeting those goals.

31 (3) The case plan shall identify the original allegations of abuse
32 or neglect, as defined in Article 2.5 (commencing with Section
33 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
34 conditions cited as the basis for declaring the child a dependent of
35 the court pursuant to Section 300, or all of these, and the other
36 precipitating incidents that led to child welfare services
37 intervention.

38 (4) The case plan shall include a description of the schedule of
39 the placement agency contacts with the child and the family or
40 other caretakers. The frequency of these contacts shall be in

1 accordance with regulations adopted by the State Department of
2 Social Services. If the child has been placed in foster care out of
3 state, the county social worker or probation officer, or a social
4 worker or probation officer on the staff of the agency in the state
5 in which the child has been placed, shall visit the child in a foster
6 family home or the home of a relative, consistent with federal law
7 and in accordance with the department's approved state plan. For
8 children in out-of-state group home facilities, visits shall be
9 conducted at least monthly, pursuant to Section 16516.5. At least
10 once every six months, at the time of a regularly scheduled
11 placement agency contact with the foster child, *and at each*
12 *placement change*, the child's social worker or probation officer
13 shall inform ~~the child of his or her~~ *child, the care provider, and*
14 *the child and family team, if applicable, of the child's* rights as a
15 foster child, as specified in Section ~~16001.9~~ *16001.9*, and shall
16 *provide a written copy of the rights to the child as part of the*
17 *explanation*. The social worker or probation officer shall provide
18 the information to the child in a manner appropriate to the age or
19 developmental level of the child. *The social worker or probation*
20 *officer shall document in the case plan that he or she has informed*
21 *the child of, and has provided the child with a written copy of, his*
22 *or her rights.*

23 (5) (A) When out-of-home services are used, the frequency of
24 contact between the natural parents or legal guardians and the child
25 shall be specified in the case plan. The frequency of those contacts
26 shall reflect overall case goals, and consider other principles
27 outlined in this section.

28 (B) Information regarding any court-ordered visitation between
29 the child and the natural parents or legal guardians, and the terms
30 and conditions needed to facilitate the visits while protecting the
31 safety of the child, shall be provided to the child's out-of-home
32 caregiver as soon as possible after the court order is made.

33 (6) When out-of-home placement is made, the case plan shall
34 include provisions for the development and maintenance of sibling
35 relationships as specified in subdivisions (b), (c), and (d) of Section
36 16002. If appropriate, when siblings who are dependents of the
37 juvenile court are not placed together, the social worker for each
38 child, if different, shall communicate with each of the other social
39 workers and ensure that the child's siblings are informed of
40 significant life events that occur within their extended family.

1 Unless it has been determined that it is inappropriate in a particular
2 case to keep siblings informed of significant life events that occur
3 within the extended family, the social worker shall determine the
4 appropriate means and setting for disclosure of this information
5 to the child commensurate with the child's age and emotional
6 well-being. These significant life events shall include, but shall
7 not be limited to, the following:

8 (A) The death of an immediate relative.

9 (B) The birth of a sibling.

10 (C) Significant changes regarding a dependent child, unless the
11 child objects to the sharing of the information with his or her
12 siblings, including changes in placement, major medical or mental
13 health diagnoses, treatments, or hospitalizations, arrests, and
14 changes in the permanent plan.

15 (7) If out-of-home placement is made in a foster family home,
16 group home, or other child care institution that is either a
17 substantial distance from the home of the child's parent or out of
18 state, the case plan shall specify the reasons why that placement
19 is in the best interest of the child. When an out-of-state group home
20 placement is recommended or made, the case plan shall, in
21 addition, specify compliance with Section 7911.1 of the Family
22 Code.

23 (8) A case plan shall ensure the educational stability of the child
24 while in foster care and shall include both of the following:

25 (A) An assurance that the placement takes into account the
26 appropriateness of the current educational setting and the proximity
27 to the school in which the child is enrolled at the time of placement.

28 (B) An assurance that the placement agency has coordinated
29 with the person holding the right to make educational decisions
30 for the child and appropriate local educational agencies to ensure
31 that the child remains in the school in which the child is enrolled
32 at the time of placement or, if remaining in that school is not in
33 the best interests of the child, assurances by the placement agency
34 and the local educational agency to provide immediate and
35 appropriate enrollment in a new school and to provide all of the
36 child's educational records to the new school.

37 (9) (A) If out-of-home services are used, or if parental rights
38 have been terminated and the case plan is placement for adoption,
39 the case plan shall include a recommendation regarding the
40 appropriateness of unsupervised visitation between the child and

1 any of the child's siblings. This recommendation shall include a
2 statement regarding the child's and the siblings' willingness to
3 participate in unsupervised visitation. If the case plan includes a
4 recommendation for unsupervised sibling visitation, the plan shall
5 also note that information necessary to accomplish this visitation
6 has been provided to the child or to the child's siblings.

7 (B) Information regarding the schedule and frequency of the
8 visits between the child and siblings, as well as any court-ordered
9 terms and conditions needed to facilitate the visits while protecting
10 the safety of the child, shall be provided to the child's out-of-home
11 caregiver as soon as possible after the court order is made.

12 (10) If out-of-home services are used and the goal is
13 reunification, the case plan shall describe the services to be
14 provided to assist in reunification and the services to be provided
15 concurrently to achieve legal permanency if efforts to reunify fail.
16 The plan shall also consider in-state and out-of-state placements,
17 the importance of developing and maintaining sibling relationships
18 pursuant to Section 16002, and the desire and willingness of the
19 caregiver to provide legal permanency for the child if reunification
20 is unsuccessful.

21 (11) If out-of-home services are used, the child has been in care
22 for at least 12 months, and the goal is not adoptive placement, the
23 case plan shall include documentation of the compelling reason
24 or reasons why termination of parental rights is not in the child's
25 best interest. A determination completed or updated within the
26 past 12 months by the department when it is acting as an adoption
27 agency or by a licensed adoption agency that it is unlikely that the
28 child will be adopted, or that one of the conditions described in
29 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
30 be deemed a compelling reason.

31 (12) (A) Parents and legal guardians shall have an opportunity
32 to review the case plan, and to sign it whenever possible, and then
33 shall receive a copy of the plan. In a voluntary service or placement
34 agreement, the parents or legal guardians shall be required to
35 review and sign the case plan. Whenever possible, parents and
36 legal guardians shall participate in the development of the case
37 plan. Commencing January 1, 2012, for nonminor dependents, as
38 defined in subdivision (v) of Section 11400, who are receiving
39 AFDC-FC or CalWORKs assistance *and who are* up to 21 years
40 of age pursuant to Section 11403, the transitional independent

1 living case plan, as set forth in subdivision (y) of Section 11400,
2 shall be developed with, and signed by, the nonminor.

3 (B) Parents and legal guardians shall be advised that, pursuant
4 to Section 1228.1 of the Evidence Code, neither their signature on
5 the child welfare services case plan nor their acceptance of any
6 services prescribed in the child welfare services case plan shall
7 constitute an admission of guilt or be used as evidence against the
8 parent or legal guardian in a court of law. However, they shall also
9 be advised that the parent's or guardian's failure to cooperate,
10 except for good cause, in the provision of services specified in the
11 child welfare services case plan may be used in any hearing held
12 pursuant to Section 366.21, 366.22, or 366.25 of this code as
13 evidence.

14 (13) A child shall be given a meaningful opportunity to
15 participate in the development of the case plan and state his or her
16 preference for foster care placement. A child who is 12 years of
17 age or older and in a permanent placement shall also be given the
18 opportunity to review the case plan, sign the case plan, and receive
19 a copy of the case plan.

20 (14) The case plan shall be included in the court report and shall
21 be considered by the court at the initial hearing and each review
22 hearing. Modifications to the case plan made during the period
23 between review hearings need not be approved by the court if the
24 casework supervisor for that case determines that the modifications
25 further the goals of the plan. If out-of-home services are used with
26 the goal of family reunification, the case plan shall consider and
27 describe the application of subdivision (b) of Section 11203.

28 (15) (A) If the case plan has as its goal for the child a permanent
29 plan of adoption or legal guardianship, it shall include a statement
30 of the child's wishes regarding their permanent placement plan
31 and an assessment of those stated wishes. The agency shall also
32 include documentation of the steps the agency is taking to find an
33 adoptive family or other permanent living arrangements for the
34 child; to place the child with an adoptive family, an appropriate
35 and willing relative, or a legal guardian, and to finalize the adoption
36 or legal guardianship. At a minimum, the documentation shall
37 include child-specific recruitment efforts, such as the use of state,
38 regional, and national adoption exchanges, including electronic
39 exchange systems, when the child has been freed for adoption.
40 Regardless of whether the child has been freed for adoption,

1 documentation shall include a description of any barriers to
2 achieving legal permanence and the steps the agency will take to
3 address those barriers. If the plan is for kinship guardianship, the
4 case plan shall document how the child meets the kinship
5 guardianship eligibility requirements.

6 (B) When the child is 16 years of age or older and is in another
7 planned permanent living arrangement, the case plan shall identify
8 the intensive and ongoing efforts to return the child to the home
9 of the parent, place the child for adoption, place the child for tribal
10 customary adoption in the case of an Indian child, establish a legal
11 guardianship, or place the child nonminor dependent with a fit and
12 willing relative, as appropriate. Efforts shall include the use of
13 technology, including social media, to find biological family
14 members of the child.

15 (16) (A) (i) For a child who is 14 or 15 years of age, the case
16 plan shall include a written description of the programs and services
17 that will help the child, consistent with the child's best interests,
18 to prepare for the transition from foster care to successful
19 adulthood. The description may be included in the document
20 described in subparagraph (A) of paragraph (18).

21 (ii) When appropriate, for a child who is 16 years of age or older
22 and, commencing January 1, 2012, for a nonminor dependent, the
23 case plan shall include the transitional independent living plan
24 (TILP), a written description of the programs and services that
25 will help the child, consistent with the child's best interests, to
26 prepare for the transition from foster care to successful adulthood,
27 and, in addition, whether the youth has an in-progress application
28 pending for Title XVI Supplemental Security Income benefits or
29 for Special Immigrant Juvenile Status or other applicable
30 application for legal residency and an active dependency case is
31 required for that application. When appropriate, for a nonminor
32 dependent, the transitional independent living case plan, as
33 described in subdivision (v) of Section 11400, shall include the
34 TILP, a written description of the programs and services that will
35 help the nonminor dependent, consistent with his or her best
36 interests, to prepare for transition from foster care and assist the
37 youth in meeting the eligibility criteria set forth in paragraphs (1)
38 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
39 the case plan shall describe the individualized supervision provided
40 in the supervised independent living placement as defined in

subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form.

(C) For youth 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining his or her reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

(17) For youth 14 years of age or older and nonminor dependents, the case plan shall be developed in consultation with the youth. At the youth's option, the consultation may include up to two members of the case planning team who are chosen by the

1 youth and who are not foster parents of, or caseworkers for, the
2 youth. The agency, at any time, may reject an individual selected
3 by the youth to be a member of the case planning team if the
4 agency has good cause to believe that the individual would not act
5 in the youth's best interest. One individual selected by the youth
6 to be a member of the case planning team may be designated to
7 be the youth's adviser and advocate with respect to the application
8 of the reasonable and prudent parent standard to the youth, as
9 necessary.

10 (18) For youth in foster care 14 years of age and older and
11 nonminor dependents, the case plan shall include both of the
12 following:

13 (A) A document that describes the youth's rights with respect
14 to education, health, visitation, and court participation, the right
15 to be annually provided with copies of his or her credit reports at
16 no cost while in foster care pursuant to Section 10618.6, and the
17 right to stay safe and avoid exploitation.

18 (B) A signed acknowledgment by the youth that he or she has
19 been provided a copy of the document and that the rights described
20 in the document have been explained to the youth in an
21 age-appropriate manner.

22 (19) The case plan for a child or nonminor dependent who is,
23 or who is at risk of becoming, the victim of commercial sexual
24 exploitation, shall document the services provided to address that
25 issue.

26 (h) If the court finds, after considering the case plan, that
27 unsupervised sibling visitation is appropriate and has been
28 consented to, the court shall order that the child or the child's
29 siblings, the child's current caregiver, and the child's prospective
30 adoptive parents, if applicable, be provided with information
31 necessary to accomplish this visitation. This section does not
32 require or prohibit the social worker's facilitation, transportation,
33 or supervision of visits between the child and his or her siblings.

34 (i) The case plan documentation on sibling placements required
35 under this section shall not require modification of existing case
36 plan forms until the Child Welfare ~~Service~~/Case Services/Case
37 Management System (CWS/CMS) is implemented on a statewide
38 basis.

39 (j) When a child is 10 years of age or older and has been in
40 out-of-home placement for six months or longer, the case plan

1 shall include an identification of individuals, other than the child's
2 siblings, who are important to the child and actions necessary to
3 maintain the child's relationship with those individuals, provided
4 that those relationships are in the best interest of the child. The
5 social worker or probation officer shall ask every child who is 10
6 years of age or older and who has been in out-of-home placement
7 for six months or longer to identify individuals other than the
8 child's siblings who are important to the child, and may ask any
9 other child to provide that information, or may seek that
10 information from the child and family team, as appropriate. The
11 social worker or probation officer shall make efforts to identify
12 other individuals who are important to the child, consistent with
13 the child's best interests.

14 (k) The child's caregiver shall be provided a copy of a plan
15 outlining the child's needs and services. The nonminor dependent's
16 caregiver shall be provided with a copy of the nonminor's TILP.

17 (l) Each county shall ensure that the total number of visits made
18 by caseworkers on a monthly basis to children in foster care during
19 a federal fiscal year is not less than 95 percent of the total number
20 of those visits that would occur if each child were visited once
21 every month while in care and that the majority of the visits occur
22 in the residence of the child. The county child welfare and
23 probation departments shall comply with data reporting
24 requirements that the department deems necessary to comply with
25 the federal Child and Family Services Improvement Act of 2006
26 (Public Law 109-288) and the federal Child and Family Services
27 Improvement and Innovation Act of 2011 (Public Law 112-34).

28 ~~(t)~~

29 (m) The implementation and operation of the amendments to
30 subdivision (i) enacted at the 2005–06 Regular Session shall be
31 subject to appropriation through the budget process and by phase,
32 as provided in Section 366.35.

33 *SEC. 115.2. Section 16501.1 of the Welfare and Institutions*
34 *Code is amended to read:*

35 16501.1. (a) (1) The Legislature finds and declares that the
36 foundation and central unifying tool in child welfare services is
37 the case plan.

38 (2) The Legislature further finds and declares that a case plan
39 ensures that the child receives protection and safe and proper care
40 and case management, and that services are provided to the child

1 and parents or other caretakers, as appropriate, in order to improve
2 conditions in the parent's home, to facilitate the safe return of the
3 child to a safe home or the permanent placement of the child, and
4 to address the needs of the child while in foster care.

5 (3) The agency shall consider the recommendations of the child
6 and family team, as defined in ~~paragraph (4) of subdivision (a) of~~
7 Section 16501, if any are available. The agency shall document
8 the rationale for any inconsistencies between the case plan and the
9 child and family team recommendations.

10 (b) (1) A case plan shall be based upon the principles of this
11 section and the input from the child and family team.

12 (2) The case plan shall document that a preplacement assessment
13 of the service needs of the child and family, and preplacement
14 preventive services, have been provided, and that reasonable efforts
15 to prevent out-of-home placement have been made. Preplacement
16 services may include intensive mental health services in the home
17 or a community setting and the reasonable efforts made to prevent
18 out-of-home placement.

19 (3) In determining the reasonable services to be offered or
20 provided, the child's health and safety shall be the paramount
21 concerns.

22 (4) Upon a determination pursuant to paragraph (1) of
23 subdivision (e) of Section 361.5 that reasonable services will be
24 offered to a parent who is incarcerated in a county jail or state
25 prison, detained by the United States Department of Homeland
26 Security, or deported to his or her country of origin, the case plan
27 shall include information, to the extent possible, about a parent's
28 incarceration in a county jail or the state prison, detention by the
29 United States Department of Homeland Security, or deportation
30 during the time that a minor child of that parent is involved in
31 dependency care.

32 (5) Reasonable services shall be offered or provided to make it
33 possible for a child to return to a safe home environment, unless,
34 pursuant to subdivisions (b) and (e) of Section 361.5, the court
35 determines that reunification services shall not be provided.

36 (6) If reasonable services are not ordered, or are terminated,
37 reasonable efforts shall be made to place the child in a timely
38 manner in accordance with the permanent plan and to complete
39 all steps necessary to finalize the permanent placement of the child.

1 (c) If out-of-home placement is used to attain case plan goals,
2 the case plan shall consider the recommendations of the child and
3 family team.

4 (d) (1) The case plan shall include a description of the type of
5 home or institution in which the child is to be placed, and the
6 reasons for that placement decision. The decision regarding choice
7 of placement shall be based upon selection of a safe setting that is
8 the least restrictive family setting that promotes normal childhood
9 experiences and the most appropriate setting that meets the child's
10 individual needs and is available, in proximity to the parent's home,
11 in proximity to the child's school, and consistent with the selection
12 of the environment best suited to meet the child's special needs
13 and best interests. The selection shall consider, in order of priority,
14 placement with relatives, nonrelated extended family members,
15 and tribal members; foster family homes, resource families, and
16 nontreatment certified homes of foster family agencies; followed
17 by treatment and intensive treatment certified homes of foster
18 family agencies; or multidimensional treatment foster care homes
19 or therapeutic foster care homes; group care placements in the
20 order of short-term residential ~~treatment centers~~, *therapeutic*
21 *programs*, group homes, community treatment facilities, and
22 out-of-state residential treatment pursuant to Part 5 (commencing
23 with Section 7900) of Division 12 of the Family Code.

24 (2) If a short-term ~~intensive treatment center~~ *residential*
25 *therapeutic program* placement is selected for a child, the case
26 plan shall indicate the needs of the child that necessitate this
27 placement, the plan for transitioning the child to a less restrictive
28 environment, and the projected timeline by which the child will
29 be transitioned to a less restrictive environment. This section of
30 the case plan shall be reviewed and updated at least semiannually.

31 (A) The case plan for placements in a group home, or
32 commencing January 1, 2017, in a short-term residential ~~treatment~~
33 ~~center~~, *therapeutic program*, shall indicate that the county has
34 taken into consideration Section 16010.8.

35 (B) After January 1, 2017, a child and family team meeting as
36 ~~defined~~ *described* in Section 16501 shall be convened by the county
37 placing agency for the purpose of identifying the supports and
38 services needed to achieve permanency and enable the child or
39 youth to be placed in the least restrictive family setting that
40 promotes normal childhood experiences.

1 (3) On or after January 1, 2012, for a nonminor dependent, as
2 defined in subdivision (v) of Section 11400, who is receiving
3 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
4 in addition to the above requirements, the selection of the
5 placement, including a supervised independent living placement,
6 as described in subdivision (w) of Section 11400, shall also be
7 based upon the developmental needs of young adults by providing
8 opportunities to have incremental responsibilities that prepare a
9 nonminor dependent to transition to successful adulthood. If
10 admission to, or continuation in, a group home or short-term
11 residential-treatment-center *therapeutic program* placement is
12 being considered for a nonminor dependent, the group home or
13 short-term residential-treatment-center *therapeutic program*
14 placement approval decision shall include a youth-driven,
15 team-based case planning process, as defined by the department,
16 in consultation with stakeholders. The case plan shall consider the
17 full range of placement options, and shall specify why admission
18 to, or continuation in, a group home placement is the best
19 alternative available at the time to meet the special needs or
20 well-being of the nonminor dependent, and how the placement
21 will contribute to the nonminor dependent's transition to successful
22 adulthood. The case plan shall specify the treatment strategies that
23 will be used to prepare the nonminor dependent for discharge to
24 a less restrictive family setting that promotes normal childhood
25 experiences, including a target date for discharge from the group
26 home placement. The placement shall be reviewed and updated
27 on a regular, periodic basis to ensure that continuation in the group
28 home placement remains in the best interests of the nonminor
29 dependent and that progress is being made in achieving case plan
30 goals leading to successful adulthood. The group home placement
31 planning process shall begin as soon as it becomes clear to the
32 county welfare department or probation office that a foster child
33 in group home placement is likely to remain in group home
34 placement on his or her 18th birthday, in order to expedite the
35 transition to a less restrictive family setting that promotes normal
36 childhood experiences, if he or she becomes a nonminor dependent.
37 The case planning process shall include informing the youth of all
38 of his or her options, including, but not limited to, admission to
39 or continuation in a group home placement. Consideration for
40 continuation of existing group home placement for a nonminor

1 dependent under 19 years of age may include the need to stay in
2 the same placement in order to complete high school. After a
3 nonminor dependent either completes high school or attains his or
4 her 19th birthday, whichever is earlier, continuation in or admission
5 to a group home placement is prohibited unless the nonminor
6 dependent satisfies the conditions of paragraph (5) of subdivision
7 (b) of Section 11403, and group home placement functions as a
8 short-term transition to the appropriate system of care. Treatment
9 services provided by the group home placement to the nonminor
10 dependent to alleviate or ameliorate the medical condition, as
11 described in paragraph (5) of subdivision (b) of Section 11403,
12 shall not constitute the sole basis to disqualify a nonminor
13 dependent from the group home placement.

14 (4) In addition to the requirements of paragraphs (1) to (3),
15 inclusive, and taking into account other statutory considerations
16 regarding placement, the selection of the most appropriate home
17 that will meet the child's special needs and best interests shall also
18 promote educational stability by taking into consideration
19 proximity to the child's school of origin, and school attendance
20 area, the number of school transfers the child has previously
21 experienced, and the child's school matriculation schedule, in
22 addition to other indicators of educational stability that the
23 Legislature hereby encourages the State Department of Social
24 Services and the State Department of Education to develop.

25 (e) A written case plan shall be completed within a maximum
26 of 60 days of the initial removal of the child or of the in-person
27 response required under subdivision (f) of Section 16501 if the
28 child has not been removed from his or her home, or by the date
29 of the dispositional hearing pursuant to Section 358, whichever
30 occurs first. The case plan shall be updated, as the service needs
31 of the child and family dictate. At a minimum, the case plan shall
32 be updated in conjunction with each status review hearing
33 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
34 the hearing conducted pursuant to Section 366.26, but no less
35 frequently than once every six months. Each updated case plan
36 shall include a description of the services that have been provided
37 to the child under the plan and an evaluation of the appropriateness
38 and effectiveness of those services.

39 (1) It is the intent of the Legislature that extending the maximum
40 time available for preparing a written case plan from 30 to 60 days

1 will afford caseworkers time to actively engage families, and to
2 solicit and integrate into the case plan the input of the child and
3 the child's family, as well as the input of relatives and other
4 interested parties.

5 (2) The extension of the maximum time available for preparing
6 a written case plan from ~~the~~ 30 to 60 days shall be effective 90
7 days after the date that the department gives counties written notice
8 that necessary changes have been made to the Child Welfare
9 Services/Case Management System (CWS/CMS) to account for
10 the 60-day timeframe for preparing a written case plan.

11 (f) The child welfare services case plan shall be comprehensive
12 enough to meet the juvenile court dependency proceedings
13 requirements pursuant to Article 6 (commencing with Section 300)
14 of Chapter 2 of Part 1 of Division 2.

15 (g) The case plan shall be developed considering the
16 recommendations of the child and family team, as follows:

17 (1) The case plan shall be based upon an assessment of the
18 circumstances that required child welfare services intervention.
19 The child shall be involved in developing the case plan as age and
20 developmentally appropriate.

21 (2) The case plan shall identify specific goals and the
22 appropriateness of the planned services in meeting those goals.

23 (3) The case plan shall identify the original allegations of abuse
24 or neglect, as defined in Article 2.5 (commencing with Section
25 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
26 conditions cited as the basis for declaring the child a dependent of
27 the court pursuant to Section 300, or all of these, and the other
28 precipitating incidents that led to child welfare services
29 intervention.

30 (4) The case plan shall include a description of the schedule of
31 the placement agency contacts with the child and the family or
32 other caretakers. The frequency of these contacts shall be in
33 accordance with regulations adopted by the State Department of
34 Social Services. If the child has been placed in foster care out of
35 state, the county social worker or probation officer, or a social
36 worker or probation officer on the staff of the agency in the state
37 in which the child has been placed, shall visit the child in a foster
38 family home or the home of a relative, consistent with federal law
39 and in accordance with the department's approved state plan. For
40 children in out-of-state group home facilities, visits shall be

1 conducted at least monthly, pursuant to Section 16516.5. At least
2 once every six months, at the time of a regularly scheduled
3 placement agency contact with the foster child, the child's social
4 worker or probation officer shall inform the child of his or her
5 rights as a foster child, as specified in Section 16001.9. The social
6 worker or probation officer shall provide the information to the
7 child in a manner appropriate to the age or developmental level of
8 the child.

9 (5) (A) When out-of-home services are used, the frequency of
10 contact between the natural parents or legal guardians and the child
11 shall be specified in the case plan. The frequency of those contacts
12 shall reflect overall case goals, and consider other principles
13 outlined in this section.

14 (B) Information regarding any court-ordered visitation between
15 the child and the natural parents or legal guardians, and the terms
16 and conditions needed to facilitate the visits while protecting the
17 safety of the child, shall be provided to the child's out-of-home
18 caregiver as soon as possible after the court order is made.

19 (6) When out-of-home placement is made, the case plan shall
20 include provisions for the development and maintenance of sibling
21 relationships as specified in subdivisions (b), (c), and (d) of Section
22 16002. If appropriate, when siblings who are dependents of the
23 juvenile court are not placed together, the social worker for each
24 child, if different, shall communicate with each of the other social
25 workers and ensure that the child's siblings are informed of
26 significant life events that occur within their extended family.
27 Unless it has been determined that it is inappropriate in a particular
28 case to keep siblings informed of significant life events that occur
29 within the extended family, the social worker shall determine the
30 appropriate means and setting for disclosure of this information
31 to the child commensurate with the child's age and emotional
32 well-being. These significant life events shall include, but shall
33 not be limited to, the following:

34 (A) The death of an immediate relative.

35 (B) The birth of a sibling.

36 (C) Significant changes regarding a dependent child, unless the
37 child objects to the sharing of the information with his or her
38 siblings, including changes in placement, major medical or mental
39 health diagnoses, treatments, or hospitalizations, arrests, and
40 changes in the permanent plan.

1 (7) If out-of-home placement is made in a foster family home,
2 group home, or other child care institution that is either a
3 substantial distance from the home of the child's parent or out of
4 state, the case plan shall specify the reasons why that placement
5 is in the best interest of the child. When an out-of-state group home
6 placement is recommended or made, the case plan shall, in
7 addition, specify compliance with Section 7911.1 of the Family
8 Code.

9 (8) A case plan shall ensure the educational stability of the child
10 while in foster care and shall include both of the following:

11 (A) An assurance that the placement takes into account the
12 appropriateness of the current educational setting and the proximity
13 to the school in which the child is enrolled at the time of placement.

14 (B) An assurance that the placement agency has coordinated
15 with the person holding the right to make educational decisions
16 for the child and appropriate local educational agencies to ensure
17 that the child remains in the school in which the child is enrolled
18 at the time of placement or, if remaining in that school is not in
19 the best interests of the child, assurances by the placement agency
20 and the local educational agency to provide immediate and
21 appropriate enrollment in a new school and to provide all of the
22 child's educational records to the new school.

23 (9) (A) If out-of-home services are used, or if parental rights
24 have been terminated and the case plan is placement for adoption,
25 the case plan shall include a recommendation regarding the
26 appropriateness of unsupervised visitation between the child and
27 any of the child's siblings. This recommendation shall include a
28 statement regarding the child's and the siblings' willingness to
29 participate in unsupervised visitation. If the case plan includes a
30 recommendation for unsupervised sibling visitation, the plan shall
31 also note that information necessary to accomplish this visitation
32 has been provided to the child or to the child's siblings.

33 (B) Information regarding the schedule and frequency of the
34 visits between the child and siblings, as well as any court-ordered
35 terms and conditions needed to facilitate the visits while protecting
36 the safety of the child, shall be provided to the child's out-of-home
37 caregiver as soon as possible after the court order is made.

38 (10) If out-of-home services are used and the goal is
39 reunification, the case plan shall describe the services to be
40 provided to assist in reunification and the services to be provided

1 concurrently to achieve legal permanency if efforts to reunify fail.
2 The plan shall also consider in-state and out-of-state placements,
3 the importance of developing and maintaining sibling relationships
4 pursuant to Section 16002, and the desire and willingness of the
5 caregiver to provide legal permanency for the child if reunification
6 is unsuccessful.

7 (11) If out-of-home services are used, the child has been in care
8 for at least 12 months, and the goal is not adoptive placement, the
9 case plan shall include documentation of the compelling reason
10 or reasons why termination of parental rights is not in the child's
11 best interest. A determination completed or updated within the
12 past 12 months by the department when it is acting as an adoption
13 agency or by a licensed adoption agency that it is unlikely that the
14 child will be adopted, or that one of the conditions described in
15 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
16 be deemed a compelling reason.

17 (12) (A) Parents and legal guardians shall have an opportunity
18 to review the case plan, and to sign it whenever possible, and then
19 shall receive a copy of the plan. In a voluntary service or placement
20 agreement, the parents or legal guardians shall be required to
21 review and sign the case plan. Whenever possible, parents and
22 legal guardians shall participate in the development of the case
23 plan. Commencing January 1, 2012, for nonminor dependents, as
24 defined in subdivision (v) of Section 11400, who are receiving
25 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
26 to Section 11403, the transitional independent living case plan, as
27 set forth in subdivision (y) of Section 11400, shall be developed
28 with, and signed by, the nonminor.

29 (B) Parents and legal guardians shall be advised that, pursuant
30 to Section 1228.1 of the Evidence Code, neither their signature on
31 the child welfare services case plan nor their acceptance of any
32 services prescribed in the child welfare services case plan shall
33 constitute an admission of guilt or be used as evidence against the
34 parent or legal guardian in a court of law. However, they shall also
35 be advised that the parent's or guardian's failure to cooperate,
36 except for good cause, in the provision of services specified in the
37 child welfare services case plan may be used in any hearing held
38 pursuant to Section 366.21, 366.22, or 366.25 of this code as
39 evidence.

1 (13) A child shall be given a meaningful opportunity to
2 participate in the development of the case plan and state his or her
3 preference for foster care placement. A child who is 12 years of
4 age or older and in a permanent placement shall also be given the
5 opportunity to review the case plan, sign the case plan, and receive
6 a copy of the case plan.

7 (14) The case plan shall be included in the court report and shall
8 be considered by the court at the initial hearing and each review
9 hearing. Modifications to the case plan made during the period
10 between review hearings need not be approved by the court if the
11 casework supervisor for that case determines that the modifications
12 further the goals of the plan. If out-of-home services are used with
13 the goal of family reunification, the case plan shall consider and
14 describe the application of subdivision (b) of Section 11203.

15 (15) (A) If the case plan has as its goal for the child a permanent
16 plan of adoption or legal guardianship, it shall include a statement
17 of the child's wishes regarding their permanent placement plan
18 and an assessment of those stated wishes. The agency shall also
19 include documentation of the steps the agency is taking to find an
20 adoptive family or other permanent living arrangements for the
21 child; to place the child with an adoptive family, an appropriate
22 and willing relative, or a legal guardian, and to finalize the adoption
23 or legal guardianship. At a minimum, the documentation shall
24 include child-specific recruitment efforts, such as the use of state,
25 regional, and national adoption exchanges, including electronic
26 exchange systems, when the child has been freed for adoption.
27 Regardless of whether the child has been freed for adoption,
28 documentation shall include a description of any barriers to
29 achieving legal permanence and the steps the agency will take to
30 address those barriers. If the plan is for kinship guardianship, the
31 case plan shall document how the child meets the kinship
32 guardianship eligibility requirements.

33 (B) When the child is 16 years of age or older and is in another
34 planned permanent living arrangement, the case plan shall identify
35 the intensive and ongoing efforts to return the child to the home
36 of the parent, place the child for adoption, place the child for tribal
37 customary adoption in the case of an Indian child, establish a legal
38 guardianship, or place the child nonminor dependent with a fit and
39 willing relative, as appropriate. Efforts shall include the use of

1 technology, including social media, to find biological family
2 members of the child.

3 (16) (A) (i) For a child who is 14 or 15 years of age, the case
4 plan shall include a written description of the programs and services
5 that will help the child, consistent with the child's best interests,
6 to prepare for the transition from foster care to successful
7 adulthood. The description may be included in the document
8 described in subparagraph (A) of paragraph (18).

9 (ii) When appropriate, for a child who is 16 years of age or older
10 and, commencing January 1, 2012, for a nonminor dependent, the
11 case plan shall include the transitional independent living plan
12 (TILP), a written description of the programs and services that
13 will help the child, consistent with the child's best interests, to
14 prepare for the transition from foster care to successful adulthood,
15 and, in addition, whether the youth has an in-progress application
16 pending for Title XVI Supplemental Security Income benefits or
17 for Special Immigrant Juvenile Status or other applicable
18 application for legal residency and an active dependency case is
19 required for that application. When appropriate, for a nonminor
20 dependent, the transitional independent living case plan, as
21 described in subdivision (v) of Section 11400, shall include the
22 TILP, a written description of the programs and services that will
23 help the nonminor dependent, consistent with his or her best
24 interests, to prepare for transition from foster care and assist the
25 youth in meeting the eligibility criteria set forth in paragraphs (1)
26 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
27 the case plan shall describe the individualized supervision provided
28 in the supervised independent living placement as defined in
29 subdivision (w) of Section 11400. The case plan shall be developed
30 with the child or nonminor dependent and individuals identified
31 as important to the child or nonminor dependent, and shall include
32 steps the agency is taking to ensure that the child or nonminor
33 dependent achieves permanence, including maintaining or
34 obtaining permanent connections to caring and committed adults.

35 (B) During the 90-day period prior to the participant attaining
36 18 years of age or older as the state may elect under Section
37 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
38 675(8)(B)(iii)), whether during that period foster care maintenance
39 payments are being made on the child's behalf or the child is
40 receiving benefits or services under Section 477 of the federal

1 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
2 appropriate agency staff or probation officer and other
3 representatives of the participant, as appropriate, shall provide the
4 youth or nonminor dependent with assistance and support in
5 developing the written 90-day transition plan, that is personalized
6 at the direction of the child, information as detailed as the
7 participant elects that shall include, but not be limited to, options
8 regarding housing, health insurance, education, local opportunities
9 for mentors and continuing support services, and workforce
10 supports and employment services, a power of attorney for health
11 care, and information regarding the advance health care directive
12 form. *Information provided regarding health insurance options*
13 *shall include verification that the eligible youth or nonminor is*
14 *enrolled in Medi-Cal and a description of the steps that have been*
15 *or will be taken by the youth's social worker or probation officer*
16 *to ensure that the eligible youth or nonminor is transitioned into*
17 *the Medi-Cal program for former foster youth upon case closure*
18 *with no interruption in coverage and with no new application*
19 *being required, as provided in Section 14005.28.*

20 (C) For youth 14 years of age or older, the case plan shall
21 include documentation that a consumer credit report was requested
22 annually from each of the three major credit reporting agencies at
23 no charge to the youth and that any results were provided to the
24 youth. For nonminor dependents, the case plan shall include
25 documentation that the county assisted the nonminor dependent
26 in obtaining his or her reports. The case plan shall include
27 documentation of barriers, if any, to obtaining the credit reports.
28 If the consumer credit report reveals any accounts, the case plan
29 shall detail how the county ensured the youth received assistance
30 with interpreting the credit report and resolving any inaccuracies,
31 including any referrals made for the assistance.

32 (17) For youth 14 years of age or older and nonminor
33 dependents, the case plan shall be developed in consultation with
34 the youth. At the youth's option, the consultation may include up
35 to two members of the case planning team who are chosen by the
36 youth and who are not foster parents of, or caseworkers for, the
37 youth. The agency, at any time, may reject an individual selected
38 by the youth to be a member of the case planning team if the
39 agency has good cause to believe that the individual would not act
40 in the youth's best interest. One individual selected by the youth

1 to be a member of the case planning team may be designated to
2 be the youth's adviser and advocate with respect to the application
3 of the reasonable and prudent parent standard to the youth, as
4 necessary.

5 (18) For youth in foster care 14 years of age and older and
6 nonminor dependents, the case plan shall include both of the
7 following:

8 (A) A document that describes the youth's rights with respect
9 to education, health, visitation, and court participation, the right
10 to be annually provided with copies of his or her credit reports at
11 no cost while in foster care pursuant to Section 10618.6, and the
12 right to stay safe and avoid exploitation.

13 (B) A signed acknowledgment by the youth that he or she has
14 been provided a copy of the document and that the rights described
15 in the document have been explained to the youth in an
16 age-appropriate manner.

17 (19) The case plan for a child or nonminor dependent who is,
18 or who is at risk of becoming, the victim of commercial sexual
19 exploitation, shall document the services provided to address that
20 issue.

21 (h) If the court finds, after considering the case plan, that
22 unsupervised sibling visitation is appropriate and has been
23 consented to, the court shall order that the child or the child's
24 siblings, the child's current caregiver, and the child's prospective
25 adoptive parents, if applicable, be provided with information
26 necessary to accomplish this visitation. This section does not
27 require or prohibit the social worker's facilitation, transportation,
28 or supervision of visits between the child and his or her siblings.

29 (i) The case plan documentation on sibling placements required
30 under this section shall not require modification of existing case
31 plan forms until the Child Welfare ~~Service~~/*Case Services*/*Case*
32 *Management System* (CWS/CMS) is implemented on a statewide
33 basis.

34 (j) When a child is 10 years of age or older and has been in
35 out-of-home placement for six months or longer, the case plan
36 shall include an identification of individuals, other than the child's
37 siblings, who are important to the child and actions necessary to
38 maintain the child's relationship with those individuals, provided
39 that those relationships are in the best interest of the child. The
40 social worker or probation officer shall ask every child who is 10

years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, or may seek that information from the child and family team, as appropriate. The social worker or probation officer shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. The nonminor dependent's caregiver shall be provided with a copy of the nonminor's TILP.

(l) Each county shall ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care during a federal fiscal year is not less than 95 percent of the total number of those visits that would occur if each child were visited once every month while in care and that the majority of the visits occur in the residence of the child. The county child welfare and probation departments shall comply with data reporting requirements that the department deems necessary to comply with the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act of 2011 (Public Law 112-34).

~~(t)~~

(m) The implementation and operation of the amendments to subdivision (i) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

SEC. 115.3. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

1 (3) The agency shall consider the recommendations of the child
2 and family team, as defined in ~~paragraph (4) of subdivision (a) of~~
3 Section 16501, if any are available. The agency shall document
4 the rationale for any inconsistencies between the case plan and the
5 child and family team recommendations.

6 (b) (1) A case plan shall be based upon the principles of this
7 section and the input from the child and family team.

8 (2) The case plan shall document that a preplacement assessment
9 of the service needs of the child and family, and preplacement
10 preventive services, have been provided, and that reasonable efforts
11 to prevent out-of-home placement have been made. Preplacement
12 services may include intensive mental health services in the home
13 or a community setting and the reasonable efforts made to prevent
14 out-of-home placement.

15 (3) In determining the reasonable services to be offered or
16 provided, the child's health and safety shall be the paramount
17 concerns.

18 (4) Upon a determination pursuant to paragraph (1) of
19 subdivision (e) of Section 361.5 that reasonable services will be
20 offered to a parent who is incarcerated in a county jail or state
21 prison, detained by the United States Department of Homeland
22 Security, or deported to his or her country of origin, the case plan
23 shall include information, to the extent possible, about a parent's
24 incarceration in a county jail or the state prison, detention by the
25 United States Department of Homeland Security, or deportation
26 during the time that a minor child of that parent is involved in
27 dependency care.

28 (5) Reasonable services shall be offered or provided to make it
29 possible for a child to return to a safe home environment, unless,
30 pursuant to subdivisions (b) and (e) of Section 361.5, the court
31 determines that reunification services shall not be provided.

32 (6) If reasonable services are not ordered, or are terminated,
33 reasonable efforts shall be made to place the child in a timely
34 manner in accordance with the permanent plan and to complete
35 all steps necessary to finalize the permanent placement of the child.

36 (c) If out-of-home placement is used to attain case plan goals,
37 the case plan shall consider the recommendations of the child and
38 family team.

39 (d) (1) The case plan shall include a description of the type of
40 home or institution in which the child is to be placed, and the

1 reasons for that placement decision. The decision regarding choice
2 of placement shall be based upon selection of a safe setting that is
3 the least restrictive family setting that promotes normal childhood
4 experiences and the most appropriate setting that meets the child's
5 individual needs and is available, in proximity to the parent's home,
6 in proximity to the child's school, and consistent with the selection
7 of the environment best suited to meet the child's special needs
8 and best interests. The selection shall consider, in order of priority,
9 placement with relatives, nonrelated extended family members,
10 and tribal members; foster family homes, resource families, and
11 nontreatment certified homes of foster family agencies; followed
12 by treatment and intensive treatment certified homes of foster
13 family agencies; or multidimensional treatment foster care homes
14 or therapeutic foster care homes; group care placements in the
15 order of short-term residential ~~treatment centers~~, *therapeutic*
16 *programs*, group homes, community treatment facilities, and
17 out-of-state residential treatment pursuant to Part 5 (commencing
18 with Section 7900) of Division 12 of the Family Code.

19 (2) If a short-term ~~intensive treatment center~~ *residential*
20 *therapeutic program* placement is selected for a child, the case
21 plan shall indicate the needs of the child that necessitate this
22 placement, the plan for transitioning the child to a less restrictive
23 environment, and the projected timeline by which the child will
24 be transitioned to a less restrictive environment. This section of
25 the case plan shall be reviewed and updated at least semiannually.

26 (A) The case plan for placements in a group home, or
27 commencing January 1, 2017, in a short-term residential ~~treatment~~
28 ~~center~~, *therapeutic program*, shall indicate that the county has
29 taken into consideration Section 16010.8.

30 (B) After January 1, 2017, a child and family team meeting as
31 ~~defined~~ *described* in Section 16501 shall be convened by the county
32 placing agency for the purpose of identifying the supports and
33 services needed to achieve permanency and enable the child or
34 youth to be placed in the least restrictive family setting that
35 promotes normal childhood experiences.

36 (3) On or after January 1, 2012, for a nonminor dependent, as
37 defined in subdivision (v) of Section 11400, who is receiving
38 AFDC-FC benefits *and who is up to 21 years of age* pursuant to
39 Section 11403, in addition to the above requirements, the selection
40 of the placement, including a supervised independent living

1 placement, as described in subdivision (w) of Section 11400, shall
2 also be based upon the developmental needs of young adults by
3 providing opportunities to have incremental responsibilities that
4 prepare a nonminor dependent to transition to successful adulthood.
5 If admission to, or continuation in, a group home or short-term
6 residential-~~treatment-center~~ *therapeutic program* placement is
7 being considered for a nonminor dependent, the group home or
8 short-term residential-~~treatment-center~~ *therapeutic program*
9 placement approval decision shall include a youth-driven,
10 team-based case planning process, as defined by the department,
11 in consultation with stakeholders. The case plan shall consider the
12 full range of placement options, and shall specify why admission
13 to, or continuation in, a group home placement is the best
14 alternative available at the time to meet the special needs or
15 well-being of the nonminor dependent, and how the placement
16 will contribute to the nonminor dependent's transition to successful
17 adulthood. The case plan shall specify the treatment strategies that
18 will be used to prepare the nonminor dependent for discharge to
19 a less restrictive family setting that promotes normal childhood
20 experiences, including a target date for discharge from the group
21 home placement. The placement shall be reviewed and updated
22 on a regular, periodic basis to ensure that continuation in the group
23 home placement remains in the best interests of the nonminor
24 dependent and that progress is being made in achieving case plan
25 goals leading to successful adulthood. The group home placement
26 planning process shall begin as soon as it becomes clear to the
27 county welfare department or probation office that a foster child
28 in group home placement is likely to remain in group home
29 placement on his or her 18th birthday, in order to expedite the
30 transition to a less restrictive family setting that promotes normal
31 childhood experiences, if he or she becomes a nonminor dependent.
32 The case planning process shall include informing the youth of all
33 of his or her options, including, but not limited to, admission to
34 or continuation in a group home placement. Consideration for
35 continuation of existing group home placement for a nonminor
36 dependent under 19 years of age may include the need to stay in
37 the same placement in order to complete high school. After a
38 nonminor dependent either completes high school or attains his or
39 her 19th birthday, whichever is earlier, continuation in or admission
40 to a group home placement is prohibited unless the nonminor

1 dependent satisfies the conditions of paragraph (5) of subdivision
2 (b) of Section 11403, and group home placement functions as a
3 short-term transition to the appropriate system of care. Treatment
4 services provided by the group home placement to the nonminor
5 dependent to alleviate or ameliorate the medical condition, as
6 described in paragraph (5) of subdivision (b) of Section 11403,
7 shall not constitute the sole basis to disqualify a nonminor
8 dependent from the group home placement.

9 (4) In addition to the requirements of paragraphs (1) to (3),
10 inclusive, and taking into account other statutory considerations
11 regarding placement, the selection of the most appropriate home
12 that will meet the child's special needs and best interests shall also
13 promote educational stability by taking into consideration
14 proximity to the child's school of origin, and school attendance
15 area, the number of school transfers the child has previously
16 experienced, and the child's school matriculation schedule, in
17 addition to other indicators of educational stability that the
18 Legislature hereby encourages the State Department of Social
19 Services and the State Department of Education to develop.

20 (e) A written case plan shall be completed within a maximum
21 of 60 days of the initial removal of the child or of the in-person
22 response required under subdivision (f) of Section 16501 if the
23 child has not been removed from his or her home, or by the date
24 of the dispositional hearing pursuant to Section 358, whichever
25 occurs first. The case plan shall be updated, as the service needs
26 of the child and family dictate. At a minimum, the case plan shall
27 be updated in conjunction with each status review hearing
28 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
29 the hearing conducted pursuant to Section 366.26, but no less
30 frequently than once every six months. Each updated case plan
31 shall include a description of the services that have been provided
32 to the child under the plan and an evaluation of the appropriateness
33 and effectiveness of those services.

34 (1) It is the intent of the Legislature that extending the maximum
35 time available for preparing a written case plan from 30 to 60 days
36 will afford caseworkers time to actively engage families, and to
37 solicit and integrate into the case plan the input of the child and
38 the child's family, as well as the input of relatives and other
39 interested parties.

(2) The extension of the maximum time available for preparing a written case plan from ~~the~~ 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services/Case Management System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed considering the recommendations of the child and family team, as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the placement agency contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or probation officer, or a social worker or probation officer on the staff of the agency in the state in which the child has been placed, shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled placement agency contact with the foster child, *and at each placement change*, the child's social worker or probation officer

1 shall inform the ~~child of his or her~~ *child, the care provider, and*
2 *the child and family team, if applicable, of the child's rights as a*
3 *foster child, as specified in Section 16001.9. 16001.9, and shall*
4 *provide a written copy of the rights to the child as part of the*
5 *explanation.* The social worker or probation officer shall provide
6 the information to the child in a manner appropriate to the age or
7 developmental level of the child. *The social worker or probation*
8 *officer shall document in the case plan that he or she has informed*
9 *the child of, and has provided the child with a written copy of, his*
10 *or her rights.*

11 (5) (A) When out-of-home services are used, the frequency of
12 contact between the natural parents or legal guardians and the child
13 shall be specified in the case plan. The frequency of those contacts
14 shall reflect overall case goals, and consider other principles
15 outlined in this section.

16 (B) Information regarding any court-ordered visitation between
17 the child and the natural parents or legal guardians, and the terms
18 and conditions needed to facilitate the visits while protecting the
19 safety of the child, shall be provided to the child's out-of-home
20 caregiver as soon as possible after the court order is made.

21 (6) When out-of-home placement is made, the case plan shall
22 include provisions for the development and maintenance of sibling
23 relationships as specified in subdivisions (b), (c), and (d) of Section
24 16002. If appropriate, when siblings who are dependents of the
25 juvenile court are not placed together, the social worker for each
26 child, if different, shall communicate with each of the other social
27 workers and ensure that the child's siblings are informed of
28 significant life events that occur within their extended family.
29 Unless it has been determined that it is inappropriate in a particular
30 case to keep siblings informed of significant life events that occur
31 within the extended family, the social worker shall determine the
32 appropriate means and setting for disclosure of this information
33 to the child commensurate with the child's age and emotional
34 well-being. These significant life events shall include, but shall
35 not be limited to, the following:

36 (A) The death of an immediate relative.

37 (B) The birth of a sibling.

38 (C) Significant changes regarding a dependent child, unless the
39 child objects to the sharing of the information with his or her
40 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and
2 changes in the permanent plan.

3 (7) If out-of-home placement is made in a foster family home,
4 group home, or other child care institution that is either a
5 substantial distance from the home of the child's parent or out of
6 state, the case plan shall specify the reasons why that placement
7 is in the best interest of the child. When an out-of-state group home
8 placement is recommended or made, the case plan shall, in
9 addition, specify compliance with Section 7911.1 of the Family
10 Code.

11 (8) A case plan shall ensure the educational stability of the child
12 while in foster care and shall include both of the following:

13 (A) An assurance that the placement takes into account the
14 appropriateness of the current educational setting and the proximity
15 to the school in which the child is enrolled at the time of placement.

16 (B) An assurance that the placement agency has coordinated
17 with the person holding the right to make educational decisions
18 for the child and appropriate local educational agencies to ensure
19 that the child remains in the school in which the child is enrolled
20 at the time of placement or, if remaining in that school is not in
21 the best interests of the child, assurances by the placement agency
22 and the local educational agency to provide immediate and
23 appropriate enrollment in a new school and to provide all of the
24 child's educational records to the new school.

25 (9) (A) If out-of-home services are used, or if parental rights
26 have been terminated and the case plan is placement for adoption,
27 the case plan shall include a recommendation regarding the
28 appropriateness of unsupervised visitation between the child and
29 any of the child's siblings. This recommendation shall include a
30 statement regarding the child's and the siblings' willingness to
31 participate in unsupervised visitation. If the case plan includes a
32 recommendation for unsupervised sibling visitation, the plan shall
33 also note that information necessary to accomplish this visitation
34 has been provided to the child or to the child's siblings.

35 (B) Information regarding the schedule and frequency of the
36 visits between the child and siblings, as well as any court-ordered
37 terms and conditions needed to facilitate the visits while protecting
38 the safety of the child, shall be provided to the child's out-of-home
39 caregiver as soon as possible after the court order is made.

1 (10) If out-of-home services are used and the goal is
2 reunification, the case plan shall describe the services to be
3 provided to assist in reunification and the services to be provided
4 concurrently to achieve legal permanency if efforts to reunify fail.
5 The plan shall also consider in-state and out-of-state placements,
6 the importance of developing and maintaining sibling relationships
7 pursuant to Section 16002, and the desire and willingness of the
8 caregiver to provide legal permanency for the child if reunification
9 is unsuccessful.

10 (11) If out-of-home services are used, the child has been in care
11 for at least 12 months, and the goal is not adoptive placement, the
12 case plan shall include documentation of the compelling reason
13 or reasons why termination of parental rights is not in the child's
14 best interest. A determination completed or updated within the
15 past 12 months by the department when it is acting as an adoption
16 agency or by a licensed adoption agency that it is unlikely that the
17 child will be adopted, or that one of the conditions described in
18 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
19 be deemed a compelling reason.

20 (12) (A) Parents and legal guardians shall have an opportunity
21 to review the case plan, and to sign it whenever possible, and then
22 shall receive a copy of the plan. In a voluntary service or placement
23 agreement, the parents or legal guardians shall be required to
24 review and sign the case plan. Whenever possible, parents and
25 legal guardians shall participate in the development of the case
26 plan. Commencing January 1, 2012, for nonminor dependents, as
27 defined in subdivision (v) of Section 11400, who are receiving
28 AFDC-FC or CalWORKs assistance *and who are* up to 21 years
29 of age pursuant to Section 11403, the transitional independent
30 living case plan, as set forth in subdivision (y) of Section 11400,
31 shall be developed with, and signed by, the nonminor.

32 (B) Parents and legal guardians shall be advised that, pursuant
33 to Section 1228.1 of the Evidence Code, neither their signature on
34 the child welfare services case plan nor their acceptance of any
35 services prescribed in the child welfare services case plan shall
36 constitute an admission of guilt or be used as evidence against the
37 parent or legal guardian in a court of law. However, they shall also
38 be advised that the parent's or guardian's failure to cooperate,
39 except for good cause, in the provision of services specified in the
40 child welfare services case plan may be used in any hearing held

1 pursuant to Section 366.21, 366.22, or 366.25 of this code as
2 evidence.

3 (13) A child shall be given a meaningful opportunity to
4 participate in the development of the case plan and state his or her
5 preference for foster care placement. A child who is 12 years of
6 age or older and in a permanent placement shall also be given the
7 opportunity to review the case plan, sign the case plan, and receive
8 a copy of the case plan.

9 (14) The case plan shall be included in the court report and shall
10 be considered by the court at the initial hearing and each review
11 hearing. Modifications to the case plan made during the period
12 between review hearings need not be approved by the court if the
13 casework supervisor for that case determines that the modifications
14 further the goals of the plan. If out-of-home services are used with
15 the goal of family reunification, the case plan shall consider and
16 describe the application of subdivision (b) of Section 11203.

17 (15) (A) If the case plan has as its goal for the child a permanent
18 plan of adoption or legal guardianship, it shall include a statement
19 of the child's wishes regarding their permanent placement plan
20 and an assessment of those stated wishes. The agency shall also
21 include documentation of the steps the agency is taking to find an
22 adoptive family or other permanent living arrangements for the
23 child; to place the child with an adoptive family, an appropriate
24 and willing relative, or a legal guardian, and to finalize the adoption
25 or legal guardianship. At a minimum, the documentation shall
26 include child-specific recruitment efforts, such as the use of state,
27 regional, and national adoption exchanges, including electronic
28 exchange systems, when the child has been freed for adoption.
29 Regardless of whether the child has been freed for adoption,
30 documentation shall include a description of any barriers to
31 achieving legal permanence and the steps the agency will take to
32 address those barriers. If the plan is for kinship guardianship, the
33 case plan shall document how the child meets the kinship
34 guardianship eligibility requirements.

35 (B) When the child is 16 years of age or older and is in another
36 planned permanent living arrangement, the case plan shall identify
37 the intensive and ongoing efforts to return the child to the home
38 of the parent, place the child for adoption, place the child for tribal
39 customary adoption in the case of an Indian child, establish a legal
40 guardianship, or place the child nonminor dependent with a fit and

1 willing relative, as appropriate. Efforts shall include the use of
2 technology, including social media, to find biological family
3 members of the child.

4 (16) (A) (i) For a child who is 14 or 15 years of age, the case
5 plan shall include a written description of the programs and services
6 that will help the child, consistent with the child's best interests,
7 to prepare for the transition from foster care to successful
8 adulthood. The description may be included in the document
9 described in subparagraph (A) of paragraph (18).

10 (ii) When appropriate, for a child who is 16 years of age or older
11 and, commencing January 1, 2012, for a nonminor dependent, the
12 case plan shall include the transitional independent living plan
13 (TILP), a written description of the programs and services that
14 will help the child, consistent with the child's best interests, to
15 prepare for the transition from foster care to successful adulthood,
16 and, in addition, whether the youth has an in-progress application
17 pending for Title XVI Supplemental Security Income benefits or
18 for Special Immigrant Juvenile Status or other applicable
19 application for legal residency and an active dependency case is
20 required for that application. When appropriate, for a nonminor
21 dependent, the transitional independent living case plan, as
22 described in subdivision (v) of Section 11400, shall include the
23 TILP, a written description of the programs and services that will
24 help the nonminor dependent, consistent with his or her best
25 interests, to prepare for transition from foster care and assist the
26 youth in meeting the eligibility criteria set forth in paragraphs (1)
27 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
28 the case plan shall describe the individualized supervision provided
29 in the supervised independent living placement as defined in
30 subdivision (w) of Section 11400. The case plan shall be developed
31 with the child or nonminor dependent and individuals identified
32 as important to the child or nonminor dependent, and shall include
33 steps the agency is taking to ensure that the child or nonminor
34 dependent achieves permanence, including maintaining or
35 obtaining permanent connections to caring and committed adults.

36 (B) During the 90-day period prior to the participant attaining
37 18 years of age or older as the state may elect under Section
38 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
39 675(8)(B)(iii)), whether during that period foster care maintenance
40 payments are being made on the child's behalf or the child is

1 receiving benefits or services under Section 477 of the federal
2 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
3 appropriate agency staff or probation officer and other
4 representatives of the participant, as appropriate, shall provide the
5 youth or nonminor dependent with assistance and support in
6 developing the written 90-day transition plan, that is personalized
7 at the direction of the child, information as detailed as the
8 participant elects that shall include, but not be limited to, options
9 regarding housing, health insurance, education, local opportunities
10 for mentors and continuing support services, and workforce
11 supports and employment services, a power of attorney for health
12 care, and information regarding the advance health care directive
13 form. *Information provided regarding health insurance options*
14 *shall include verification that the eligible youth or nonminor is*
15 *enrolled in Medi-Cal and a description of the steps that have been*
16 *or will be taken by the youth's social worker or probation officer*
17 *to ensure that the eligible youth or nonminor is transitioned into*
18 *the Medi-Cal program for former foster youth upon case closure*
19 *with no interruption in coverage and with no new application*
20 *being required, as provided in Section 14005.28.*

21 (C) For youth 14 years of age or older, the case plan shall
22 include documentation that a consumer credit report was requested
23 annually from each of the three major credit reporting agencies at
24 no charge to the youth and that any results were provided to the
25 youth. For nonminor dependents, the case plan shall include
26 documentation that the county assisted the nonminor dependent
27 in obtaining his or her reports. The case plan shall include
28 documentation of barriers, if any, to obtaining the credit reports.
29 If the consumer credit report reveals any accounts, the case plan
30 shall detail how the county ensured the youth received assistance
31 with interpreting the credit report and resolving any inaccuracies,
32 including any referrals made for the assistance.

33 (17) For youth 14 years of age or older and nonminor
34 dependents, the case plan shall be developed in consultation with
35 the youth. At the youth's option, the consultation may include up
36 to two members of the case planning team who are chosen by the
37 youth and who are not foster parents of, or caseworkers for, the
38 youth. The agency, at any time, may reject an individual selected
39 by the youth to be a member of the case planning team if the
40 agency has good cause to believe that the individual would not act

1 in the youth's best interest. One individual selected by the youth
2 to be a member of the case planning team may be designated to
3 be the youth's adviser and advocate with respect to the application
4 of the reasonable and prudent parent standard to the youth, as
5 necessary.

6 (18) For youth in foster care 14 years of age and older and
7 nonminor dependents, the case plan shall include both of the
8 following:

9 (A) A document that describes the youth's rights with respect
10 to education, health, visitation, and court participation, the right
11 to be annually provided with copies of his or her credit reports at
12 no cost while in foster care pursuant to Section 10618.6, and the
13 right to stay safe and avoid exploitation.

14 (B) A signed acknowledgment by the youth that he or she has
15 been provided a copy of the document and that the rights described
16 in the document have been explained to the youth in an
17 age-appropriate manner.

18 (19) The case plan for a child or nonminor dependent who is,
19 or who is at risk of becoming, the victim of commercial sexual
20 exploitation, shall document the services provided to address that
21 issue.

22 (h) If the court finds, after considering the case plan, that
23 unsupervised sibling visitation is appropriate and has been
24 consented to, the court shall order that the child or the child's
25 siblings, the child's current caregiver, and the child's prospective
26 adoptive parents, if applicable, be provided with information
27 necessary to accomplish this visitation. This section does not
28 require or prohibit the social worker's facilitation, transportation,
29 or supervision of visits between the child and his or her siblings.

30 (i) The case plan documentation on sibling placements required
31 under this section shall not require modification of existing case
32 plan forms until the ~~Child Welfare Service/Case Services/Case~~
33 ~~Management System (CWS/CMS)~~ is implemented on a statewide
34 basis.

35 (j) When a child is 10 years of age or older and has been in
36 out-of-home placement for six months or longer, the case plan
37 shall include an identification of individuals, other than the child's
38 siblings, who are important to the child and actions necessary to
39 maintain the child's relationship with those individuals, provided
40 that those relationships are in the best interest of the child. The

1 social worker or probation officer shall ask every child who is 10
2 years of age or older and who has been in out-of-home placement
3 for six months or longer to identify individuals other than the
4 child's siblings who are important to the child, and may ask any
5 other child to provide that information, or may seek that
6 information from the child and family team, as appropriate. The
7 social worker or probation officer shall make efforts to identify
8 other individuals who are important to the child, consistent with
9 the child's best interests.

10 (k) The child's caregiver shall be provided a copy of a plan
11 outlining the child's needs and services. The nonminor dependent's
12 caregiver shall be provided with a copy of the nonminor's TILP.

13 (l) Each county shall ensure that the total number of visits made
14 by caseworkers on a monthly basis to children in foster care during
15 a federal fiscal year is not less than 95 percent of the total number
16 of those visits that would occur if each child were visited once
17 every month while in care and that the majority of the visits occur
18 in the residence of the child. The county child welfare and
19 probation departments shall comply with data reporting
20 requirements that the department deems necessary to comply with
21 the federal Child and Family Services Improvement Act of 2006
22 (Public Law 109-288) and the federal Child and Family Services
23 Improvement and Innovation Act of 2011 (Public Law 112-34).

24 ~~(t)~~

25 (m) The implementation and operation of the amendments to
26 subdivision (i) enacted at the 2005–06 Regular Session shall be
27 subject to appropriation through the budget process and by phase,
28 as provided in Section 366.35.

29 SEC. 116. Section 16504.5 of the Welfare and Institutions
30 Code is amended to read:

31 16504.5. (a) (1) Notwithstanding any other law, pursuant to
32 subdivision (b) of Section 11105 of the Penal Code, a child welfare
33 agency may secure from an appropriate governmental criminal
34 justice agency the state summary criminal history information, as
35 defined in subdivision (a) of Section 11105 of the Penal Code,
36 through the California Law Enforcement Telecommunications
37 System pursuant to subdivision (d) of Section 309, and subdivision
38 (a) of Section 1522 of the Health and Safety Code for the following
39 purposes:

1 (A) To conduct an investigation pursuant to Section 11166.3 of
2 the Penal Code or an investigation involving a child in which the
3 child is alleged to come within the jurisdiction of the juvenile court
4 under Section 300.

5 (B) (i) To assess the appropriateness and safety of placing a
6 child who has been detained or is a dependent of the court, in the
7 home of a relative assessed pursuant to Section 309, 361.4, or
8 16519.5, or in the home of a nonrelative extended family member
9 assessed as described in Section 362.7 or 16519.5 during an
10 emergency situation.

11 (ii) When a relative or nonrelative family member who has been
12 assessed pursuant to clause (i) and approved as a caregiver moves
13 to a different county and continued placement of the child with
14 that person is intended, the move shall be considered an emergency
15 situation for purposes of this subparagraph.

16 (C) To attempt to locate a parent or guardian pursuant to Section
17 311 of a child who is the subject of dependency court proceedings.

18 (D) To obtain information about the background of a nonminor
19 who has petitioned to reenter foster care under subdivision (e) of
20 Section 388, in order to assess the appropriateness and safety of
21 placing the nonminor in a foster care or other placement setting
22 with minor dependent children.

23 (2) Any time that a child welfare agency initiates a criminal
24 background check through the California Law Enforcement
25 Telecommunications System for the purpose described in
26 subparagraph (B) of paragraph (1), the agency shall ensure that a
27 state-level fingerprint check is initiated within 10 calendar days
28 of the check, unless the whereabouts of the subject of the check
29 are unknown or the subject of the check refuses to submit to the
30 fingerprint check. The Department of Justice shall provide the
31 requesting agency a copy of all criminal history information
32 regarding an individual that it maintains pursuant to subdivision
33 (b) of Section 11105 of the Penal Code.

34 (b) Criminal justice personnel shall cooperate with requests for
35 criminal history information authorized pursuant to this section
36 and shall provide the information to the requesting entity in a
37 timely manner.

38 (c) Any law enforcement officer or person authorized by this
39 section to receive the information who obtains the information in
40 the record and knowingly provides the information to a person not

1 authorized by law to receive the information is guilty of a
2 misdemeanor as specified in Section 11142 of the Penal Code.

3 (d) Information obtained pursuant to this section shall not be
4 used for any purposes other than those described in subdivision
5 (a).

6 (e) Nothing in this section shall preclude a nonminor petitioning
7 to reenter foster care or a relative or other person living in a
8 relative's home from refuting any of the information obtained by
9 law enforcement if the individual believes the state- or federal-level
10 criminal records check revealed erroneous information.

11 (f) (1) A state or county welfare agency may submit to the
12 Department of Justice fingerprint images and related information
13 required by the Department of Justice of parents or legal guardians
14 when determining their suitability for reunification with a
15 dependent child subject to the jurisdiction of the juvenile court,
16 for the purposes of obtaining information as to the existence and
17 content of a record of state or federal convictions and state or
18 federal arrests, as well as information as to the existence and
19 content of a record of state or federal arrests for which the
20 Department of Justice establishes that the person is free on bail or
21 on his or her own recognizance pending trial or appeal. Of the
22 information received by the Department of Justice pursuant to this
23 subdivision, only the parent's or legal guardian's criminal history
24 for the time period following the removal of the child from the
25 parent or legal guardian shall be considered.

26 (2) A county welfare agency or county probation office may
27 submit to the Department of Justice fingerprint images and related
28 information required by the Department of Justice of nonminors
29 petitioning to reenter foster care under Section 388, in order to
30 assess the appropriateness and safety of placing the nonminor in
31 a foster care or other placement setting with minor dependent
32 children.

33 (3) When received, the Department of Justice shall forward to
34 the Federal Bureau of Investigation requests for federal summary
35 criminal history information received pursuant to this subdivision.
36 The Department of Justice shall review the information returned
37 from the Federal Bureau of Investigation and respond to the state
38 or county welfare agency.

1 (4) The Department of Justice shall provide a response to the
2 state or county welfare agency pursuant to subdivision (p) of
3 Section 11105 of the Penal Code.

4 (5) The state or county welfare agency shall not request from
5 the Department of Justice subsequent arrest notification service,
6 as provided pursuant to Section 11105.2 of the Penal Code, for
7 individuals described in this subdivision.

8 (6) The Department of Justice shall charge a fee sufficient to
9 cover the costs of processing the request described in this
10 subdivision.

11 (7) This subdivision shall become operative on July 1, 2007.

12 (g) A fee, determined by the Federal Bureau of Investigation
13 and collected by the Department of Justice, shall be charged for
14 each federal-level criminal offender record information request
15 submitted pursuant to this section and Section 361.4.

16 SEC. 117. Section 16514 of the Welfare and Institutions Code
17 is amended to read:

18 16514. (a) A minor or nonminor who has been voluntarily
19 placed, adjudged a dependent child of the juvenile court pursuant
20 to Section 300, or as to whom a petition has been filed under
21 Section 325, may be housed in an emergency shelter or, pursuant
22 to the procedures for placement set forth in this code, placed in a
23 foster family home, a resource family home, or with a foster family
24 agency for subsequent placement in a certified family home or
25 with a resource family, with minors adjudged wards of the juvenile
26 court pursuant to Section 601.

27 (b) A minor who has been voluntarily placed, adjudged a
28 dependent child of the juvenile court pursuant to Section 300, or
29 adjudged a ward of the juvenile court pursuant to Section 601,
30 shall not be housed in an emergency shelter with any minor
31 adjudged a ward of the juvenile court pursuant to Section 602.

32 (c) A minor or nonminor who has been voluntarily placed,
33 adjudged a dependent child of the juvenile court pursuant to Section
34 300, or as to whom a petition has been filed under Section 325, or
35 a nonminor dependent, as described in subdivision (v) of Section
36 11400, shall not be placed or detained in a short-term residential
37 therapeutic program, group home, licensed foster family home,
38 resource family home, or certified family home or approved
39 resource family home of a foster family agency, with any minor
40 adjudged a ward of the juvenile court pursuant to Section 601 or

602, unless the social worker or probation officer with placement authority has determined that the placement setting has a program that meets the specific needs of the minor or nonminor dependent being placed or detained, and there is a commonality of needs with the other minors and nonminor dependents in the placement setting.

(d) Nothing in this section shall transfer or eliminate the responsibility of the placing agency for the care, custody, or control of the child. Nothing in this section shall relieve a foster family agency of its responsibilities for or on behalf of a child placed with it.

(e) For purposes of this section, the placing of children or nonminor dependents by foster family agencies shall be referred to as “subsequent placement” to distinguish the activity from the placing by public agencies.

SEC. 118. The heading of Article 2 (commencing with Section 16519.5) is added to Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code, to read:

Article 2. Resource Family Approval Program

SEC. 119. Section 16519.5 of the Welfare and Institutions Code, as amended by Section 27 of Chapter 25 of the Statutes of 2016, is amended to read:

16519.5. (a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association. In selecting the five early implementation counties, the department shall promote diversity

1 among the participating counties in terms of size and geographic
2 location.

3 (2) Additional counties may participate in the early
4 implementation of the program upon authorization by the
5 department.

6 (3) The State Department of Social Services shall be responsible
7 for all of the following:

8 (A) Selecting early implementation counties, based on criteria
9 established by the department in consultation with the County
10 Welfare Directors Association.

11 (B) Establishing timeframes for participating counties to submit
12 an implementation plan, enter into terms and conditions for early
13 implementation participation in the program, train appropriate
14 staff, and accept applications from resource families.

15 (C) Entering into terms and conditions for early implementation
16 participation in the program by counties.

17 (4) Counties participating in the early implementation of the
18 program shall be responsible for all of the following:

19 (A) Submitting an implementation plan.

20 (B) Entering into terms and conditions for early implementation
21 participation in the program.

22 (C) Consulting with the county probation department in the
23 development of the implementation plan.

24 (D) Training appropriate staff.

25 (E) Accepting applications from resource families within the
26 timeframes established by the department.

27 (5) (A) Approved relatives and nonrelative extended family
28 members, licensed foster family homes, or approved adoptive
29 homes that have completed the license or approval process prior
30 to statewide implementation of the program shall not be considered
31 part of the program. The otherwise applicable assessment and
32 oversight processes shall continue to be administered for families
33 and facilities not included in the program.

34 (B) Upon implementation of the program in a county, that
35 county shall not accept new applications for the licensure of foster
36 family homes, the approval of relative and nonrelative extended
37 family members, or the approval of prospective guardians and
38 adoptive homes.

39 (6) The department may waive regulations that pose a barrier
40 to the early implementation and operation of this program. The

1 waiver of any regulations by the department pursuant to this section
2 shall apply to only those counties or foster family agencies
3 participating in the early implementation of the program and only
4 for the duration of the program.

5 (7) This subdivision shall become inoperative on January 1,
6 2017.

7 (c) (1) For the purposes of this article, “resource family” means
8 an individual or family that has successfully met both the home
9 environment assessment standards and the permanency assessment
10 criteria adopted pursuant to subdivision (d) necessary for providing
11 care for a related or unrelated child who is under the jurisdiction
12 of the juvenile court, or otherwise in the care of a county child
13 welfare agency or probation department. A resource family shall
14 demonstrate all of the following:

15 (A) An understanding of the safety, permanence, and well-being
16 needs of children who have been victims of child abuse and neglect,
17 and the capacity and willingness to meet those needs, including
18 the need for protection, and the willingness to make use of support
19 resources offered by the agency, or a support structure in place,
20 or both.

21 (B) An understanding of children’s needs and development,
22 effective parenting skills or knowledge about parenting, and the
23 capacity to act as a reasonable, prudent parent in day-to-day
24 decisionmaking.

25 (C) An understanding of his or her role as a resource family and
26 the capacity to work cooperatively with the agency and other
27 service providers in implementing the child’s case plan.

28 (D) The financial ability within the household to ensure the
29 stability and financial security of the family. An applicant who
30 will rely on the funding described in subdivision (l) to meet
31 additional household expenses incurred due to the placement of a
32 child shall not, for this reason, be denied approval as a resource
33 family.

34 (E) An ability and willingness to provide a family setting that
35 promotes normal childhood experiences that serves the needs of
36 the child.

37 (2) For purposes of this article, and unless otherwise specified,
38 references to a “child” shall include a “nonminor dependent” and
39 “nonminor former dependent or ward” as defined in subdivision
40 (v) and paragraph (1) of subdivision (aa) of Section 11400.

1 (3) There is no fundamental right to approval as a resource
2 family.

3 (4) Subsequent to meeting the criteria set forth in this
4 subdivision and designation as a resource family, a resource family
5 shall be considered eligible to provide foster care for related and
6 unrelated children in out-of-home placement and shall be
7 considered approved for adoption or guardianship.

8 (5) For purposes of this article, “resource family approval”
9 means that the applicant or resource family successfully meets the
10 home environment assessment and permanency assessment
11 standards. This approval is in lieu of a foster family home license
12 issued pursuant to Chapter 3 (commencing with Section 1500) of
13 Division 2 of the Health and Safety Code, a certificate of approval
14 issued by a licensed foster family agency, as described in
15 subdivision (b) of Section 1506 of the Health and Safety Code,
16 relative or nonrelative extended family member approval,
17 guardianship approval, and the adoption home study approval.

18 (6) Approval of a resource family does not guarantee an initial,
19 continued, or adoptive placement of a child with a resource family
20 or with a relative or nonrelative extended family member pursuant
21 to subdivision (e). Approval of a resource family does not
22 guarantee the establishment of a legal guardianship of a child with
23 a resource family.

24 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the
25 department or county shall cease any further review of an
26 application if the applicant has had a previous application denial
27 within the preceding year, or if the applicant has had a previous
28 rescission, revocation, or exemption denial or exemption rescission
29 by the department or county within the preceding two years.

30 (B) Notwithstanding subparagraph (A), the department or county
31 may continue to review an application if it has determined that the
32 reasons for the previous denial, rescission, or revocation were due
33 to circumstances and conditions that either have been corrected or
34 are no longer in existence. If an individual was excluded from a
35 resource family home or facility licensed by the department, the
36 department or county shall cease review of the individual’s
37 application unless the excluded individual has been reinstated
38 pursuant to Section 11522 of the Government Code and subdivision
39 (h) of Section 1558 of the Health and Safety Code. The cessation

1 of review shall not constitute a denial of the application for
2 purposes of this section or any other law.

3 (8) A resource family shall meet the approval standards set forth
4 in this section, comply with the written directives or regulations
5 adopted pursuant to this section, and comply with other applicable
6 laws in order to maintain approval.

7 (9) A resource family may be approved by the department or a
8 county pursuant to this section or by a foster family agency
9 pursuant to Section 1517 of the Health and Safety Code.

10 (10) A resource family shall not be licensed as a residential
11 facility, as defined in paragraph (1) of subdivision (a) of Section
12 1502 of the Health and Safety Code.

13 (d) (1) The department shall adopt standards pertaining to the
14 home environment and permanency assessments of a resource
15 family.

16 (2) Resource family home environment assessment standards
17 shall include, but not be limited to, all of the following:

18 (A) (i) Criminal records clearance of each applicant and all
19 adults residing in, or regularly present in, the home, and not
20 exempted from fingerprinting, as set forth in subdivision (b) of
21 Section 1522 of the Health and Safety Code, pursuant to Section
22 8712 of the Family Code, utilizing a check of the Child Abuse
23 Central Index (CACI), and receipt of a fingerprint-based state and
24 federal criminal offender record information search response. The
25 criminal history information shall include subsequent notifications
26 pursuant to Section 11105.2 of the Penal Code.

27 (ii) Consideration of any substantiated allegations of child abuse
28 or neglect against the applicant and any other adult residing in, or
29 regularly present in, the home. An approval may not be granted
30 to applicants whose criminal record indicates a conviction for any
31 of the offenses specified in subdivision (g) of Section 1522 of the
32 Health and Safety Code.

33 (iii) If the resource family parent, applicant, or any other person
34 specified in subdivision (b) of Section 1522 of the Health and
35 Safety Code has been convicted of a crime other than a minor
36 traffic violation or arrested for an offense specified in subdivision
37 (e) of Section 1522 of the Health and Safety Code, except for the
38 civil penalty language, the criminal background check provisions
39 specified in subdivisions (d) through (f) of Section 1522 of the
40 Health and Safety Code shall apply. Exemptions from the criminal

1 records clearance requirements set forth in this section may be
2 granted by the department or the county, if that county had been
3 granted permission by the department to issue criminal records
4 exemptions pursuant to Section 361.4 on or before January 1, 2017,
5 using the exemption criteria specified in subdivision (g) of Section
6 1522 of the Health and Safety Code and the written directives or
7 regulations adopted pursuant to this section.

8 (iv) For public foster family agencies approving resource
9 families, the criminal records clearance process set forth in clause
10 (i) shall be utilized.

11 (v) For private foster family agencies approving resource
12 families, the criminal records clearance process set forth in clause
13 (i) shall be utilized, but the Department of Justice shall disseminate
14 a fitness determination resulting from the federal criminal offender
15 record information search.

16 (B) Buildings and grounds and storage requirements that ensure
17 the health and safety of children.

18 (C) In addition to the foregoing requirements, the resource
19 family home environment assessment standards shall also require
20 the following:

21 (i) That the applicant demonstrates an understanding about the
22 rights of children in care and his or her responsibility to safeguard
23 those rights.

24 (ii) That the total number of children residing in the home of a
25 resource family shall be no more than the total number of children
26 the resource family can properly care for, regardless of status, and
27 shall not exceed six children, unless exceptional circumstances
28 that are documented in the foster child's case file exist to permit
29 a resource family to care for more children, including, but not
30 limited to, the need to place siblings together.

31 (iii) That the applicant understands his or her responsibilities
32 with respect to acting as a reasonable and prudent parent, and
33 maintaining the least restrictive environment that serves the needs
34 of the child.

35 (3) The resource family permanency assessment standards shall
36 include, but not be limited to, all of the following:

37 (A) Caregiver training, as described in subdivisions (g) and (h).

38 (B) A psychosocial assessment of an applicant, which shall
39 include the results of a risk assessment.

1 (i) When the applicant is a relative or nonrelative extended
2 family member to an identified child, the psychosocial assessment
3 shall consider the nature of the relationship between the relative
4 or nonrelative extended family member and the child. The relative
5 or nonrelative extended family member's expressed desire to only
6 care for a specific child or children shall not be a reason to deny
7 the approval.

8 (ii) A caregiver risk assessment shall include, but not be limited
9 to, physical and mental health, alcohol and other substance use
10 and abuse, family and domestic violence, and the factors listed in
11 paragraph (1) of subdivision (c).

12 (C) Completion of any other activities that relate to the ability
13 of an applicant or a resource family to achieve permanency with
14 a child.

15 (e) (1) A county may place a child with a resource family
16 applicant who has successfully completed the home environment
17 assessment prior to completion of a permanency assessment only
18 if a compelling reason for the placement exists based on the needs
19 of the child.

20 (A) The permanency assessment shall be completed within 90
21 days of the child's placement in the home, unless good cause exists
22 based upon the needs of the child.

23 (B) If additional time is needed to complete the permanency
24 assessment, the county shall document the extenuating
25 circumstances for the delay and generate a timeframe for the
26 completion of the permanency assessment.

27 (C) The county shall report to the department on a quarterly
28 basis the number of families with a child in an approved home
29 whose permanency assessment goes beyond 90 days and
30 summarize the reasons for these delays.

31 (2) (A) Upon an assessment completed pursuant to Section 309
32 or 361.45, a county may place a child with a relative, as defined
33 in Section 319, or nonrelative extended family member, as defined
34 in Section 362.7.

35 (B) For any emergency placement made pursuant to this
36 paragraph, the county shall initiate the home environment
37 assessment no later than five business days after the placement,
38 which shall include a face-to-face interview with the resource
39 family applicant and child.

1 (C) Nothing in this paragraph shall be construed to limit the
2 obligation under existing law to assess and give placement
3 consideration to relatives and nonrelative extended family
4 members.

5 (3) For any placement made pursuant to this subdivision,
6 AFDC-FC funding shall not be available until approval of the
7 resource family has been completed.

8 (4) Any child placed under this section shall be afforded all the
9 rights set forth in Section 16001.9 and in the written directions or
10 regulations adopted pursuant to this section.

11 (5) Nothing in this section shall limit the county's authority to
12 inspect the home of a resource family applicant or a relative or
13 nonrelative extended family member as often as necessary to ensure
14 the quality of care provided.

15 (f) The State Department of Social Services shall be responsible
16 for all of the following:

17 (1) (A) Until regulations are adopted, administering the program
18 through the issuance of written directives that shall have the same
19 force and effect as regulations. Any directive affecting Article 1
20 (commencing with Section 700) of Chapter 7 of Title 11 of the
21 California Code of Regulations shall be approved by the
22 Department of Justice. The directives shall be exempt from the
23 rulemaking provisions of the Administrative Procedure Act
24 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of
25 Division 3 of Title 2 of the Government Code.

26 (B) Adopting, amending, or repealing, in accordance with
27 Chapter 4.5 (commencing with Section 11400) of Part 1 of Division
28 3 of Title 2 of the Government Code, any reasonable rules,
29 regulations, and standards that may be necessary or proper to carry
30 out the purposes and intent of this chapter and to enable the
31 department to exercise the powers and perform the duties conferred
32 upon it by this section, consistent with the laws of this state.

33 (2) Approving and requiring the use of a single standard for
34 resource family approval.

35 (3) Adopting and requiring the use of standardized
36 documentation for the home environment and permanency
37 assessments of resource families.

38 (4) Adopting core competencies for county staff to participate
39 in the assessment and evaluation of an applicant or resource family.

- 1 (5) Requiring counties to monitor county-approved resource
2 families, including, but not limited to, both of the following:
- 3 (A) Investigating complaints of resource families.
- 4 (B) Developing and monitoring resource family corrective action
5 plans to correct identified deficiencies and to rescind resource
6 family approval if compliance with corrective action plans is not
7 achieved.
- 8 (6) Ongoing oversight and monitoring of county systems and
9 operations including all of the following:
- 10 (A) Reviewing the county's implementation plan and
11 implementation of the program.
- 12 (B) Reviewing an adequate number of county-approved resource
13 families in each county to ensure that approval standards are being
14 properly applied. The review shall include case file documentation,
15 and may include onsite inspection of individual resource families.
16 The review shall occur on an annual basis, and more frequently if
17 the department becomes aware that a county is experiencing a
18 disproportionate number of complaints against individual resource
19 family homes.
- 20 (C) Reviewing county reports of serious complaints and
21 incidents involving approved resource families, as determined
22 necessary by the department. The department may conduct an
23 independent review of the complaint or incident and change the
24 findings depending on the results of its investigation.
- 25 (D) Investigating unresolved complaints against counties.
- 26 (E) Requiring corrective action of counties that are not in full
27 compliance with this section.
- 28 (7) Updating the Legislature on the early implementation phase
29 of the program, including the status of implementation, successes,
30 and challenges during the early implementation phase, and relevant
31 available data, including resource family satisfaction.
- 32 (8) Implementing due process procedures, including, but not
33 limited to, all of the following:
- 34 (A) Providing a statewide fair hearing process for application
35 denials, rescissions of approval, exclusion actions, or criminal
36 record exemption denials or rescissions by a county or the
37 department.
- 38 (B) Providing an excluded individual with due process pursuant
39 to Section 16519.6.

1 (C) Amending the department's applicable state hearing
2 procedures and regulations or using the Administrative Procedure
3 Act, when applicable, as necessary for the administration of the
4 program.

5 (g) Counties shall be responsible for all of the following:

6 (1) Submitting an implementation plan and consulting with the
7 county probation department in the development of the
8 implementation plan.

9 (2) Complying with the written directives or regulations adopted
10 pursuant to this section.

11 (3) Implementing the requirements for resource family approval
12 and utilizing standardized documentation established by the
13 department.

14 (4) Training appropriate staff, including ensuring staff have the
15 education and experience or core competencies necessary to
16 participate in the assessment and evaluation of an applicant or
17 resource family.

18 (5) (A) Taking the following actions, as applicable:

19 (i) (I) Approving or denying resource family applications,
20 including preparing a written evaluation of an applicant's capacity
21 to foster, adopt, or provide legal guardianship of a child based on
22 all of the information gathered through the resource family
23 application and assessment processes.

24 (II) Considering the applicant's preference to provide a specific
25 level of permanency, including adoption, guardianship, or, in the
26 case of a relative, placement with a fit and willing relative, shall
27 not be a basis to deny an application.

28 (ii) Rescinding approvals of resource families.

29 (iii) When applicable, referring a case to the department for an
30 action to exclude a resource family parent or other individual from
31 presence in a resource family home, consistent with the established
32 standard.

33 (iv) Issuing a temporary suspension order that suspends the
34 resource family approval prior to a hearing when urgent action is
35 needed to protect a child from physical or mental abuse,
36 abandonment, or any other substantial threat to health or safety,
37 consistent with the established standard.

38 (v) Granting, denying, or rescinding criminal record exemptions.

1 (B) Providing a resource family parent, applicant, or individual
2 who is the subject of a criminal record exemption decision with
3 due process pursuant to Section 16519.6.

4 (C) Notifying the department of any decisions denying an
5 application for resource family approval, rescinding the approval
6 of a resource family, or denying or rescinding a criminal record
7 exemption and, if applicable, notifying the department of the results
8 of an administrative action.

9 (6) (A) Updating resource family approval annually and as
10 necessary to address any changes that have occurred in the resource
11 family's circumstances, including, but not limited to, moving to
12 a new home location or commencing operation of a family day
13 care home, as defined in Section 1596.78 of the Health and Safety
14 Code.

15 (B) A county shall conduct an announced inspection of a
16 resource family home during the annual update, and as necessary
17 to address any changes specified in subparagraph (A), in order to
18 ensure that the resource family is conforming to all applicable laws
19 and the written directives or regulations adopted pursuant to this
20 section.

21 (7) Monitoring resource families through all of the following:

22 (A) Ensuring that social workers who identify a condition in
23 the home that may not meet the approval standards set forth in
24 subdivision (d) while in the course of a routine visit to children
25 placed with a resource family take appropriate action as needed.

26 (B) Requiring resource families to meet the approval standards
27 set forth in this section and to comply with the written directives
28 or regulations adopted pursuant to this section, other applicable
29 laws, and corrective action plans as necessary to correct identified
30 deficiencies. If corrective action is not completed as specified in
31 the plan, the county may rescind the resource family approval.

32 (C) Requiring resource families to report to the county child
33 welfare agency any incidents consistent with the reporting
34 requirements for licensed foster family homes.

35 (D) Inspecting resource family homes as often as necessary to
36 ensure the quality of care provided.

37 (8) (A) Investigating all complaints against a resource family
38 and taking action as necessary, including, but not limited to,
39 investigating any incidents reported about a resource family

1 indicating that the approval standard is not being maintained and
2 inspecting the resource family home.

3 (B) The child's social worker shall not conduct the formal
4 investigation into the complaint received concerning a family
5 providing services under the standards required by subdivision
6 (d). To the extent that adequate resources are available, complaints
7 shall be investigated by a worker who did not initially conduct the
8 home environment or psychosocial assessments.

9 (C) Upon conclusion of the complaint investigation, the final
10 disposition shall be reviewed and approved by a supervising staff
11 member.

12 (D) The department shall be notified of any serious incidents
13 or serious complaints or any incident that falls within the definition
14 of Section 11165.5 of the Penal Code. If those incidents or
15 complaints result in an investigation, the department shall also be
16 notified as to the status and disposition of that investigation.

17 (9) Performing corrective action as required by the department.

18 (10) Assessing county performance in related areas of the
19 California Child and Family Services Review System, and
20 remedying problems identified.

21 (11) Submitting information and data that the department
22 determines is necessary to study, monitor, and prepare the report
23 specified in paragraph (6) of subdivision (f).

24 (12) Ensuring resource family applicants and resource families
25 have the necessary knowledge, skills, and abilities to support
26 children in foster care by completing caregiver training. The
27 training should include a curriculum that supports the role of a
28 resource family in parenting vulnerable children and should be
29 ongoing in order to provide resource families with information on
30 trauma-informed practices and requirements and other topics within
31 the foster care system.

32 (13) Ensuring that a resource family applicant completes a
33 minimum of 12 hours of preapproval caregiver training. The
34 training shall include, but not be limited to, all of the following
35 courses:

36 (A) An overview of the child protective and probation systems.

37 (B) The effects of trauma, including grief and loss, and child
38 abuse and neglect, on child development and behavior, and
39 methods to behaviorally support children impacted by that trauma
40 or child abuse and neglect.

1 (C) Positive discipline and the importance of self-esteem.

2 (D) Health issues in foster care.

3 (E) Accessing services and supports to address education needs,
4 physical, mental, and behavioral health, and substance use
5 disorders, including culturally relevant services.

6 (F) The rights of a child in foster care, and the resource family's
7 responsibility to safeguard those rights, including the right to have
8 fair and equal access to all available services, placement, care,
9 treatment, and benefits, and to not be subjected to discrimination
10 or harassment on the basis of actual or perceived race, ethnic group
11 identification, ancestry, national origin, color, religion, sex, sexual
12 orientation, gender identity, mental or physical disability, or HIV
13 status.

14 (G) Cultural needs of children, including instruction on cultural
15 competency and sensitivity, and related best practices for providing
16 adequate care for children or youth across diverse ethnic and racial
17 backgrounds, as well as children or youth identifying as lesbian,
18 gay, bisexual, or transgender.

19 (H) Basic instruction on existing laws and procedures regarding
20 the safety of foster youth at school; and ensuring a harassment and
21 violence free school environment pursuant to Article 3.6
22 (commencing with Section 32228) of Chapter 2 of Part 19 of
23 Division 1 of Title 1 of the Education Code.

24 (I) Permanence, well-being, and education needs of children.

25 (J) Child and adolescent development, including sexual
26 orientation, gender identity, and expression.

27 (K) The role of resource families, including working
28 cooperatively with the child welfare or probation agency, the
29 child's family, and other service providers implementing the case
30 plan.

31 (L) The role of a resource family on the child and family team
32 as defined in paragraph (4) of subdivision (a) of Section 16501.

33 (M) A resource family's responsibility to act as a reasonable
34 and prudent parent, as described in subdivision (c) of Section
35 1522.44 of the Health and Safety Code, and to provide a family
36 setting that promotes normal childhood experiences and that serves
37 the needs of the child.

38 (N) An overview of the specialized training identified in
39 subdivision (h).

1 (14) Ensuring approved resource families complete a minimum
2 of eight hours of caregiver training annually, a portion of which
3 shall be from subparagraph (M) of paragraph (13) and from one
4 or more of the other topics listed in paragraph (13).

5 (h) In addition to any training required by this section, a county
6 may require a resource family or applicant to receive relevant
7 specialized training for the purpose of preparing the resource family
8 to meet the needs of a particular child in care. This training may
9 include, but is not limited to, the following:

10 (1) Understanding how to use best practices for providing care
11 and supervision to commercially sexually exploited children.

12 (2) Understanding how to use best practices for providing care
13 and supervision to lesbian, gay, bisexual, and transgender children.

14 (3) Understanding the requirements and best practices regarding
15 psychotropic medications, including, but not limited to, court
16 authorization, benefits, uses, side effects, interactions, assistance
17 with self-administration, misuse, documentation, storage, and
18 metabolic monitoring of children prescribed psychotropic
19 medications.

20 (4) Understanding the federal Indian Child Welfare Act (25
21 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
22 children covered by the act, and the best interests of Indian
23 children, including the role of the caregiver in supporting culturally
24 appropriate, child-centered practices that respect Native American
25 history, culture, retention of tribal membership and connection to
26 the tribal community and traditions.

27 (5) Understanding how to use best practices for providing care
28 and supervision to nonminor dependents.

29 (6) Understanding how to use best practices for providing care
30 and supervision to children with special health care needs.

31 (7) Understanding the different permanency options and the
32 services and benefits associated with the options.

33 (i) Nothing in this section shall preclude a county from requiring
34 training in excess of the requirements in this section.

35 (j) (1) Resource families who move home locations shall retain
36 their resource family status pending the outcome of the update
37 conducted pursuant to paragraph (6) of subdivision (g).

38 (2) (A) If a resource family moves from one county to another
39 county, the department, or the county to which a resource family
40 has moved, shall submit a written request to the Department of

1 Justice to transfer the individual's subsequent arrest notification,
2 as specified in subdivision (h) of Section 1522 of the Health and
3 Safety Code.

4 (B) A request to transfer subsequent arrest notification shall
5 contain all prescribed data elements and format protocols pursuant
6 to a written agreement between the department and the Department
7 of Justice.

8 (3) Subject to the requirements in paragraph (1), the resource
9 family shall continue to be approved for guardianship and adoption.
10 Nothing in this subdivision shall limit a county, foster family
11 agency, or adoption agency from determining that the family is
12 not approved for guardianship or adoption based on changes in
13 the family's circumstances or psychosocial assessment.

14 (k) Implementation of the program shall be contingent upon the
15 continued availability of federal Social Security Act Title IV-E
16 (42 U.S.C. Sec. 670) funds for costs associated with placement of
17 children with resource families assessed and approved under the
18 program.

19 (l) A child placed with a resource family is eligible for the
20 resource family basic rate, pursuant to Sections 11253.45, 11460,
21 11461, and 11463, and subdivision (l) of Section 11461.3, at the
22 child's assessed level of care.

23 (m) Sharing ratios for nonfederal expenditures for all costs
24 associated with activities related to the approval of relatives and
25 nonrelative extended family members shall be in accordance with
26 Section 10101.

27 (n) The Department of Justice shall charge fees sufficient to
28 cover the cost of initial or subsequent criminal offender record
29 information and Child Abuse Central Index searches, processing,
30 or responses, as specified in this section.

31 (o) Except as provided, approved resource families shall be
32 exempt from both of the following:

33 (1) Licensure requirements set forth under the Community Care
34 Facilities Act, commencing with Section 1500 of the Health and
35 Safety Code, and all regulations promulgated thereto.

36 (2) Relative and nonrelative extended family member approval
37 requirements set forth under Sections 309, 361.4, and 362.7, and
38 all regulations promulgated thereto.

1 (p) (1) Early implementation counties shall be authorized to
2 continue through December 31, 2016. The program shall be
3 implemented by each county on or before January 1, 2017.

4 (2) (A) (i) On and after January 1, 2017, a county to which the
5 department has delegated its licensing authority pursuant to Section
6 1511 of the Health and Safety Code shall approve resource families
7 in lieu of licensing foster family homes.

8 (ii) Notwithstanding clause (i), the existing licensure and
9 oversight processes shall continue to be administered for foster
10 family homes licensed prior to January 1, 2017, or as specified in
11 subparagraph (C), until the license is revoked or forfeited by
12 operation of law pursuant to Section 1517.1 of the Health and
13 Safety Code.

14 (B) (i) On and after January 1, 2017, a county shall approve
15 resource families in lieu of approving relative and nonrelative
16 extended family members.

17 (ii) Notwithstanding clause (i), the existing approval and
18 oversight processes shall continue to be administered for relatives
19 and nonrelative extended family members approved prior to
20 January 1, 2017, or as specified in subparagraph (C), until the
21 approval is revoked or forfeited by operation of law pursuant to
22 this section.

23 (C) Notwithstanding subparagraph (D), a county shall approve
24 or deny all applications for foster family home licenses and requests
25 for relative or nonrelative extended family member approvals
26 received on or before December 31, 2016, in accordance with
27 Chapter 3 (commencing with Section 1500) of Division 2 of the
28 Health and Safety Code or provisions providing for the approval
29 of relatives or nonrelative extended family members, as applicable.

30 (D) On and after January 1, 2017, a county shall not accept
31 applications for foster family home licenses or requests to approve
32 relatives or nonrelative extended family members.

33 (3) No later than July 1, 2017, each county shall provide the
34 following information to all licensed foster family homes and
35 approved relatives and nonrelative extended family members
36 licensed or approved by the county:

37 (A) A detailed description of the resource family approval
38 program.

39 (B) Notification that, in order to care for a foster child, resource
40 family approval is required by December 31, 2019.

1 (C) Notification that a foster family home license and an
2 approval of a relative or nonrelative extended family member shall
3 be forfeited by operation of law as specified in paragraph (5).

4 (4) By no later than January 1, 2018, the following shall apply
5 to all licensed foster family homes and approved relative and
6 nonrelative extended family members:

7 (A) A licensed foster family home or an approved relative or
8 nonrelative extended family member with an approved adoptive
9 home study completed prior to January 1, 2018, shall be deemed
10 to be an approved resource family.

11 (B) A licensed foster family home or an approved relative or
12 nonrelative extended family member who had a child in placement
13 at any time between January 1, 2017, and December 31, 2017,
14 inclusive, may be approved as a resource family on the date of
15 successful completion of a psychosocial assessment pursuant to
16 subparagraph (B) of paragraph (3) of subdivision (d).

17 (C) A county may provide supportive services to all licensed
18 foster family homes, relatives, and nonrelative extended family
19 members with a child in placement to assist with the resource
20 family transition and to minimize placement disruptions.

21 (5) All foster family licenses and approvals of relatives and
22 nonrelative extended family members shall be forfeited by
23 operation of law on December 31, 2019, except as provided in this
24 paragraph or Section 1524 of the Health and Safety Code:

25 (A) All licensed foster family homes that did not have a child
26 in placement at any time between January 1, 2017, and December
27 31, 2017, inclusive, shall forfeit the license by operation of law
28 on January 1, 2018.

29 (B) For foster family home licensees and approved relatives or
30 nonrelative extended family members who have a pending resource
31 family application on December 31, 2019, the foster family home
32 license or relative and nonrelative extended family member
33 approval shall be forfeited by operation of law upon approval as
34 a resource family. If approval is denied, forfeiture by operation of
35 law shall occur on the date of completion of any proceedings
36 required by law to ensure due process.

37 (C) A foster family home license shall be forfeited by operation
38 of law, pursuant to subdivision (b) of Section 1524 of the Health
39 and Safety Code, upon approval as a resource family.

1 (D) Approval as a relative or nonrelative extended family
2 member shall be forfeited by operation of law upon approval as a
3 resource family.

4 (q) On and after January 1, 2017, all licensed foster family
5 agencies shall approve resource families in lieu of certifying foster
6 homes, as set forth in Section 1517 of the Health and Safety Code.

7 (r) Commencing January 1, 2016, the department may establish
8 participation conditions, and select and authorize foster family
9 agencies that voluntarily submit implementation plans and revised
10 plans of operation in accordance with requirements established by
11 the department, to approve resource families in lieu of certifying
12 foster homes.

13 (1) Notwithstanding any other law, a participating foster family
14 agency shall require resource families to meet and maintain the
15 resource family approval standards and requirements set forth in
16 this chapter and in the written directives adopted hereto prior to
17 approval and in order to maintain approval.

18 (2) A participating foster family agency shall implement the
19 resource family approval program pursuant to Section 1517 of the
20 Health and Safety Code.

21 (3) Nothing in this section shall be construed to limit the
22 authority of the department to inspect, evaluate, or investigate a
23 complaint or incident, or initiate a disciplinary action against a
24 foster family agency pursuant to Article 5 (commencing with
25 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
26 Code, or to take any action it may deem necessary for the health
27 and safety of children placed with the foster family agency.

28 (4) The department may adjust the foster family agency
29 AFDC-FC rate pursuant to Section 11463 for implementation of
30 this subdivision.

31 (5) This subdivision shall become inoperative on January 1,
32 2017.

33 (s) A county is authorized to obtain any arrest or conviction
34 records or reports from any court or law enforcement agency as
35 necessary to the performance of its duties, as provided in this
36 section or subdivision (e) of Section 1522 of the Health and Safety
37 Code.

38 (t) A resource family approved pursuant to this section shall
39 forfeit its approval concurrent with resource family approval by a
40 foster family agency.

1 SEC. 120. Section 16519.51 of the Welfare and Institutions
2 Code is repealed.

3 SEC. 121. Section 16519.51 is added to the Welfare and
4 Institutions Code, to read:

5 16519.51. (a) A person shall not incur civil liability as a result
6 of a county notifying the department of its determination to rescind
7 the approval of a resource family due to any of the following
8 actions by a resource family parent:

9 (1) Violation of Section 16519.5, the written directives or
10 regulations adopted pursuant to Section 16519.5, or any applicable
11 law.

12 (2) Aiding, abetting, or permitting the violation of Section
13 16519.5, the written directives or regulations adopted pursuant to
14 Section 16519.5, or any applicable law.

15 (3) Conduct that poses a risk or threat to the health and safety,
16 protection, or well-being of a child, or the people of the state of
17 California.

18 (4) The conviction of the applicant or resource family parent at
19 any time before or during his or her approval of a crime described
20 in Section 1522.

21 (5) Knowingly allowing any child to have illegal drugs, alcohol,
22 or any tobacco product as defined in subdivision (d) of Section
23 22950.5 of the Business and Professions Code.

24 (6) Committing an act of child abuse or neglect or an act of
25 violence against another person.

26 (b) The department or a county shall not incur civil liability for
27 providing each other with information if the communication is for
28 the purpose of aiding in the evaluation of an application for
29 approval of a resource family.

30 SEC. 122. Section 16519.55 of the Welfare and Institutions
31 Code is amended to read:

32 16519.55. (a) Subject to subdivision (d), to encourage the
33 recruitment of resource families, to protect their personal privacy,
34 and to preserve the security of confidentiality of the placements
35 with resource families, the names, addresses, and other identifying
36 information of resource families shall be considered personal
37 information for purposes of the Information Practices Act of 1977
38 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
39 4 of Division 3 of the Civil Code). This information shall not be
40 disclosed by any state or local agency pursuant to the California

1 Public Records Act (Chapter 3.5 (commencing with Section 6250)
2 of Division 7 of Title 1 of the Government Code), except as
3 necessary for administering the resource family approval program,
4 facilitating the placement of children with resource families, and
5 providing names and addresses, upon request, only to bona fide
6 professional foster parent organizations and to professional
7 organizations educating foster parents, including the Foster and
8 Kinship Care Education Program of the California Community
9 Colleges.

10 (b) The application form signed by a resource family applicant
11 of a county shall be signed with a declaration by the applicant that
12 the information submitted is true, correct, and contains no material
13 omissions of fact to the best knowledge and belief of the applicant.
14 Any person who willfully and knowingly, with the intent to
15 deceive, makes a false statement or fails to disclose a material fact
16 in his or her application is guilty of a misdemeanor.

17 (c) Before approving a resource family, a county may conduct
18 a reference check of the applicant by contacting the following:

19 (1) Any foster family agencies that have certified the applicant.

20 (2) Any state or county licensing offices that have licensed the
21 applicant as a foster family home.

22 (3) Any counties that have approved the applicant as a relative
23 or nonrelative extended family member.

24 (4) Any foster family agencies or counties that have approved
25 the applicant as a resource family.

26 (5) Any state licensing offices that have licensed the applicant
27 as a community care facility, child day care center, or family child
28 care home.

29 (d) The department, a county, a foster family agency, or a tribe
30 may request information from, or divulge information to, the
31 department, a county, a foster family agency, or a tribe regarding
32 a prospective resource family for the purpose of and as necessary
33 to conduct a reference check to determine whether it is safe and
34 appropriate to approve an applicant to be a resource family.

35 SEC. 123. Section 16519.6 of the Welfare and Institutions
36 Code is amended to read:

37 16519.6. (a) All hearings conducted pursuant to Section
38 16519.5 shall be conducted in accordance with the requirements
39 of this section and the written directives or regulations adopted
40 pursuant to Section 16519.5.

1 (b) For resource family hearings held at the department's State
2 Hearings Division, the procedures set forth in Chapter 7
3 (commencing with Section 10950) of Part 2 shall apply, except as
4 otherwise provided in this section.

5 (c) For resource family hearings held at the Office of
6 Administrative Hearings, the procedures set forth in Chapter 3
7 (commencing with Section 1500) of Division 2 of the Health and
8 Safety Code and the procedures set forth in the Administrative
9 Procedure Act shall apply, except as otherwise provided in this
10 section.

11 (d) Notwithstanding Section 10951, a resource family, applicant,
12 excluded individual, or individual who is the subject of a criminal
13 record exemption decision may file a written appeal within 25
14 days of service of a notice of action. Pursuant to Section 1013 of
15 the Code of Civil Procedure, if the notice of action is served by
16 mail, the time to respond shall be extended five days, not to exceed
17 30 days to file the appeal.

18 (e) Notwithstanding Section 10951, a county's action shall be
19 final, or for matters set before the State Hearings Division, an
20 action shall be subject to dismissal if the resource family, applicant,
21 excluded individual, or individual who is the subject of a criminal
22 record exemption decision does not file an appeal to the notice of
23 action within the prescribed time.

24 (f) Except as provided in subdivisions (g) and (h), and
25 notwithstanding Section 10952, a hearing under this section,
26 notwithstanding any time waiver, shall be held within 90 days
27 following the receipt of a timely appeal or notice of defense, unless
28 a continuance or postponement of the hearing is granted for good
29 cause.

30 (g) (1) The department may exclude a resource family parent,
31 applicant, or other individual from presence in any resource family
32 home, from employment in, presence in, and contact with clients
33 of any facility licensed by the department or certified by a licensed
34 foster family agency, and from holding the position of member of
35 the board of directors, executive director, or officer of the licensee
36 of any facility licensed by the department. If the department has
37 issued an immediate exclusion order, the timelines for filings and
38 hearings and the provisions set forth in Section 1558 of the Health
39 and Safety Code shall apply, unless a continuance of the hearing
40 is granted for good cause.

1 (2) For purposes of this subdivision, a “facility licensed by the
2 department” means a facility licensed pursuant to Chapter 3
3 (commencing with Section 1500) of, Chapter 3.01 (commencing
4 with Section 1568.01) of, Chapter 3.2 (commencing with Section
5 1569) of, Chapter 3.3 (commencing with Section 1570) of, Chapter
6 3.4 (commencing with Section 1596.70) of, Chapter 3.5
7 (commencing with Section 1596.90) of, or Chapter 3.6
8 (commencing with Section 1597.30) of, Division 2 of the Health
9 and Safety Code.

10 (h) If a county or the department has issued a temporary
11 suspension order, the hearing shall be held within 30 days
12 following the receipt of a timely appeal or notice of defense. The
13 temporary suspension order shall remain in effect until the time
14 the hearing is completed and the director has made a final
15 determination on the merits. However, the temporary suspension
16 order shall be deemed vacated if the director fails to make a final
17 determination on the merits within 30 days after receipt of the
18 proposed decision by the county or department.

19 (i) Upon a finding of noncompliance, the department may
20 require a foster family agency to deny a resource family
21 application, rescind the approval of a resource family, or take other
22 action deemed necessary for the protection of a child who is or
23 who may be placed with the resource family. The resource family
24 or applicant shall be afforded the due process provided pursuant
25 to this section.

26 (1) If the department requires a foster family agency to deny an
27 application or rescind the approval of a resource family, the
28 department shall serve an order of denial or rescission notifying
29 the resource family, applicant, and foster family agency of the
30 basis of the department’s action and of the right to a hearing.

31 (2) The department’s order of the application denial or rescission
32 of the approval shall remain in effect until the hearing is completed
33 and the director has made a final determination on the merits.

34 (3) A foster family agency’s failure to comply with the
35 department’s order to deny an application or rescind the approval
36 of a resource family by placing or retaining a child in care shall
37 be grounds for disciplining the foster family agency pursuant to
38 Section 1550 of the Health and Safety Code.

39 (j) A resource family, applicant, excluded individual, or
40 individual who is the subject of a criminal record exemption

1 decision who files an appeal to a notice of action pursuant to this
2 section shall, as part of the appeal, provide his or her current
3 mailing address. The resource family, applicant, excluded
4 individual, or individual who is the subject of a criminal record
5 exemption decision shall subsequently notify the county, or
6 department if applicable, in writing of any change in mailing
7 address, until the hearing process has been completed or
8 terminated.

9 (k) Service by mail of a notice or other writing on a resource
10 family, applicant, excluded individual, or individual who is the
11 subject of a criminal record exemption decision in a procedure
12 provided herein is effective if served to the last mailing address
13 on file with the county or department. Service of a notice of action
14 may be by personal service or by first class mail. If the last day
15 for performance of any action required herein falls on a holiday,
16 then such period shall be extended to the next day which is not a
17 holiday.

18 (l) In all proceedings conducted in accordance with this section,
19 the burden of proof on the department or county shall be by a
20 preponderance of the evidence.

21 (m) (1) A county or the department may institute or continue
22 an administrative proceeding against a resource family, applicant,
23 or individual who is the subject of a criminal record exemption
24 decision upon any ground provided by this section or Section
25 16519.61, enter an order denying an application or rescinding the
26 approval of a resource family, exclude an individual, issue a
27 temporary suspension order, or otherwise take disciplinary action
28 against a resource family, applicant, or individual who is the subject
29 of a criminal record exemption decision, notwithstanding any
30 resignation, withdrawal, surrender of approval, or denial or
31 rescission of the approval by a foster family agency.

32 (2) The department may institute or continue an administrative
33 proceeding against an excluded individual upon any ground
34 provided by this section or Section 16519.61, enter an order to
35 exclude an individual, or otherwise take disciplinary action against
36 an excluded individual, notwithstanding any resignation,
37 withdrawal, surrender of approval, or denial or rescission of the
38 approval by a foster family agency.

39 (n) Except as otherwise required by law, in any writ of mandate
40 proceeding related to an issue arising out of this article, the name,

1 identifying information, or confidential information of a child as
2 described in Sections 827, 10850, and 16519.55, and Section
3 11167.5 of the Penal Code, shall not be disclosed in a public
4 document and a protective order shall be issued by the court in
5 order to protect the confidential information of a child.

6 SEC. 124. Section 16519.61 is added to the Welfare and
7 Institutions Code, to read:

8 16519.61. A county or the department may deny a resource
9 family application or rescind the approval of a resource family,
10 and the department may exclude an individual from a resource
11 family home, for any of the following reasons:

12 (a) Violation of Section 16519.5, the written directives or
13 regulations adopted pursuant to Section 16519.5, or any applicable
14 law.

15 (b) Aiding, abetting, or permitting the violation of Section
16 16519.5, the written directives or regulations adopted pursuant to
17 Section 16519.5, or any applicable law.

18 (c) Conduct that poses a risk or threat to the health and safety,
19 protection, or well-being of a child or the people of the State of
20 California.

21 (d) The conviction of the resource family applicant, parent, or
22 associated individual at any time before or during his or her
23 approval of a crime described in Section 1522 of the Health and
24 Safety Code.

25 (e) Engaging in acts of financial malfeasance, including, but
26 not limited to, improper use or embezzlement of the money or
27 property of a child, fraudulent appropriation for personal gain of
28 money or property, or willful or negligent failure to provide
29 services.

30 (f) Any other reason specified in the written directives or
31 regulations adopted pursuant to Section 16519.5.

32 SEC. 125. Section 16519.62 is added to the Welfare and
33 Institutions Code, to read:

34 16519.62. (a) The out-of-court statements of a child under 12
35 years of age who is the subject or victim of an allegation at issue
36 constitutes admissible evidence at an administrative hearing
37 conducted pursuant to this article. The out-of-court statement may
38 provide the sole basis for a finding of fact if the proponent of the
39 statement provided the statement to all parties prior to the hearing
40 and the adjudicator finds that the time, content, and circumstances

1 of the statement provide sufficient indicia of reliability. However,
2 the out-of-court statement shall not be admissible if an objecting
3 party establishes that the statement is unreliable because it was the
4 product of fraud, deceit, or undue influence.

5 (b) This section shall not be construed to limit the right of any
6 party to the administrative hearing to subpoena a witness whose
7 statement is admitted as evidence or to introduce admissible
8 evidence relevant to the weight of the hearsay evidence or the
9 credibility of the hearsay declarant.

10 SEC. 126. The heading of Article 3 (commencing with Section
11 16520) is added to Chapter 5 of Part 4 of Division 9 of the Welfare
12 and Institutions Code, to read:

13
14 Article 3. Miscellaneous Provisions
15

16 SEC. 127. Section 18250 of the Welfare and Institutions Code
17 is amended to read:

18 18250. (a) It is the intent of the Legislature that all counties
19 be authorized to provide children with service alternatives to
20 out-of-home through the development of expanded family based
21 services programs. These programs shall include individualized
22 or “wraparound” services, where services are wrapped around a
23 child living with his or her birth parent, relative, nonrelative
24 extended family member as defined in Section 362.7, adoptive
25 parent, licensed or certified foster parent, or guardian. The
26 wraparound services developed under this section shall build on
27 the strengths of each eligible child and family and be tailored to
28 address their unique and changing needs.

29 (b) It is further the intent of the Legislature that the county
30 wraparound services program include the following elements:

31 (1) Enabling the county to access all possible sources of federal
32 funds for the purpose of developing family based service
33 alternatives.

34 (2) Encouraging collaboration among persons and entities
35 including, but not limited to, parents, county welfare departments,
36 county mental health departments, county probation departments,
37 county health departments, special education local planning
38 agencies, school districts, and private service providers for the
39 purpose of planning and providing individualized services for
40 children and their birth or substitute families.

1 (3) Ensuring local community participation in the development
2 and implementation of wraparound services by county placing or
3 referring agencies and service providers.

4 (4) Preserving and using the service resources and expertise of
5 nonprofit providers to develop family based and community-based
6 service alternatives.

7 (c) Beginning in the 2011–12 fiscal year, and for each fiscal
8 year thereafter, funding and expenditures for programs and
9 activities under this section shall be in accordance with the
10 requirements provided in Sections 30025 and 30026.5 of the
11 Government Code.

12 SEC. 128. Section 18251 of the Welfare and Institutions Code
13 is amended to read:

14 18251. As used in this chapter:

15 (a) “County” means each county participating in an
16 individualized or wraparound services program.

17 (b) “County placing or referring agency” means a county welfare
18 or probation department, or a county mental health department.

19 (c) “Eligible child” means a child or nonminor dependent, as
20 described in subdivision (v) of Section 11400, who is any of the
21 following:

22 (1) A child or nonminor dependent who has been adjudicated
23 as either a dependent, transition dependent, or ward of the juvenile
24 court pursuant to Section 300, 450, 601, or 602, who is the subject
25 of a petition filed pursuant to Section 602 and who is participating
26 in a program described in Section 654.2, 725, or 790, or who is or
27 may be within the jurisdiction of the juvenile court and is
28 participating in a program of supervision pursuant to Section 654,
29 and is at risk of placement in out-of-home care.

30 (2) A child or nonminor dependent who is currently, or who
31 would be, placed in out-of-home care.

32 (3) A child who is eligible for adoption assistance program
33 benefits when the responsible public agency has approved the
34 provision of wraparound services in lieu of out-of-home care.

35 (d) “Wraparound services” means community-based intervention
36 services that emphasize the strengths of the child and family and
37 includes the delivery of coordinated, highly individualized
38 unconditional services to address needs and achieve positive
39 outcomes in their lives.

1 (e) “Service allocation slot” means a specified amount of funds
2 available to the county to pay for an individualized intensive
3 wraparound services package for an eligible child. A service
4 allocation slot may be used for more than one child on a successive
5 basis.

6 SEC. 129. Section 18254 of the Welfare and Institutions Code,
7 as added by Section 119 of Chapter 773 of the Statutes of 2015,
8 is amended to read:

9 18254. (a) (1) Commencing January 1, 2017, the rate for
10 wraparound services, under the wraparound services program,
11 shall be eight thousand five hundred seventy-three dollars (\$8,573),
12 based on the average cost of rate classification levels 10.5 and 13
13 in effect for the 2014–15 fiscal year.

14 (2) The rate was determined by using the existing rates
15 determined for the 2014–15 fiscal year for rate classification levels
16 10.5 and 13.

17 (A) Combining and calculating the average of the two.

18 (B) Minus the cost of any concurrent out-of-home placement
19 for children who are or would be placed in a rate classification
20 level 10 to 11 and 12 to 14 group home, respectively.

21 (b) For each fiscal year, funding and expenditures for programs
22 and activities under this section shall be in accordance with the
23 requirements provided in Sections 30025 and 30026.5 of the
24 Government Code.

25 (c) County and federal foster care funds, to the extent permitted
26 by federal law, shall remain with the administrative authority of
27 the county, which may enter into an interagency agreement to
28 transfer those funds, and shall be used to provide intensive
29 wraparound services.

30 (d) Costs for the provision of benefits to eligible children, at
31 rates authorized by subdivision (a), through the wraparound
32 services program authorized by this chapter, shall not exceed the
33 costs that otherwise would have been incurred had the eligible
34 children been placed in a short-term residential therapeutic
35 program.

36 (e) Commencing January 1, 2018, and each January 1 thereafter,
37 an annual cost-of-living increase shall be applied to the wraparound
38 rate, subject to the availability of county funds, equal to the
39 California Necessities Index used in the preparation of the May
40 Revision for the current fiscal year.

(f) This section shall become operative on January 1, 2017.

SEC. 130. Section 18358.30 of the Welfare and Institutions Code is amended to read:

18358.30. (a) Rates for foster family agency programs participating under this chapter shall be exempt from the current AFDC-FC foster family agency ratesetting system.

(b) Rates for foster family agency programs participating under this chapter shall be set according to the appropriate service and rate level based on the level of services provided to the eligible child and the certified foster family. For an eligible child placed from a group home program, the service and rate level shall not exceed the rate paid for group home placement. For an eligible child assessed by the county interagency review team or county placing agency as at imminent risk of group home placement or psychiatric hospitalization, the appropriate service and rate level for the child shall be determined by the interagency review team or county placing agency at time of placement. In all of the service and rate levels, the foster family agency programs shall:

(1) Provide social work services with average caseloads not to exceed eight children per worker, except that social worker average caseloads for children in Service and Rate Level E shall not exceed 12 children per worker.

(2) Pay an amount not less than two thousand one hundred dollars (\$2,100) per child per month to the certified foster parent or parents.

(3) Perform activities necessary for the administration of the programs, including, but not limited to, training, recruitment, certification, and monitoring of the certified foster parents.

(4) (A) (i) Provide a minimum average range of service per month for children in each service and rate level in a participating foster family agency, represented by paid employee hours incurred by the participating foster family agency, by the in-home support counselor to the eligible child and the certified foster parents depending on the needs of the child and according to the following schedule:

Service	In-Home Support
and	Counselor Hours
Rate Level	Per Month
A	98-114 hours

1	Service	In-Home Support
2	and	Counselor Hours
3	Rate Level	Per Month
4	B	81-97 hours
5	C	64-80 hours
6	D	47-63 hours

(ii) Children placed at Service and Rate Level E shall receive behavior deescalation and other support services on a flexible, as needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(B) (i) For the interim period beginning July 1, 2012, through December 31, 2016, inclusive, only the following modified service and rate levels to support modified in-home support counselor hours per month shall apply:

18	Service	In-Home Support
19	and	Counselor Hours
20	Rate Level	Per Month
21	Level I	81-114 hours
22	Level II	47-80 hours
23	Level III	Less than 47 hours

(ii) Children placed at Service and Rate Level III shall receive behavior deescalation and other support services on a flexible, as needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(C) When the interagency review team or county placing agency and the foster family agency agree that alternative services are in the best interests of the child, the foster family agency may provide or arrange for services and supports allowable under California's foster care program in lieu of in-home support services required by subparagraphs (A) and (B). These services and supports may include, but need not be limited to, activities in the Multidimensional Treatment Foster Care (MTFC) program.

(c) The department or placing county, or both, may review the level of services provided by the foster family agency program. If the level of services actually provided are less than those required

by subdivision (b) for the child's service and rate level, the rate shall be adjusted to reflect the level of service actually provided, and an overpayment may be established and recovered by the department.

(d) (1) On and after July 1, 1998, the standard rate schedule of service and rate levels shall be:

Service and Rate Level	Fiscal Year 1998-99 Standard Rate
A	\$3,957
B	\$3,628
C	\$3,290
D	\$2,970
E	\$2,639

(2) For the interim period beginning July 1, 2012, through December 31, 2016, inclusive, only the following modified service and rate levels to support the modified standard rate schedule shall apply:

Service and Rate Level	Standard Rate
Level I	\$5,581
Level II	\$4,798
Level III	\$4,034

(3) (A) On and after July 1, 1999, the standardized schedule of rates shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized rate schedule, subject to further adjustment pursuant to subparagraph (B), for foster family agency programs participating under this chapter.

(B) In addition to the adjustment in subparagraph (A), commencing January 1, 2000, the standardized schedule of rates shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized rate

1 schedule for foster family agency programs participating under
2 this chapter.

3 (4) (A) Beginning with the 2000–01 fiscal year, the standardized
4 schedule of rates shall be adjusted annually by an amount equal
5 to the California Necessities Index computed pursuant to Section
6 11453, subject to the availability of funds. The resultant amounts,
7 rounded to the nearest dollar, shall constitute the new standard rate
8 schedule for foster family agency programs participating under
9 this chapter.

10 (B) Effective October 1, 2009, the rates identified in this
11 subdivision shall be reduced by 10 percent. The resulting amounts
12 shall constitute the new standardized schedule of rates.

13 (5) Notwithstanding paragraphs (3) and (4), the rate identified
14 in paragraph (2) of subdivision (b) shall be adjusted on July 1,
15 2013, and each July 1 thereafter through July 1, 2016, inclusive,
16 by an amount equal to the California Necessities Index computed
17 pursuant to Section 11453.

18 (e) (1) Rates for foster family agency programs participating
19 under paragraph (1) of subdivision (d) shall not exceed Service
20 and Rate Level A at any time during an eligible child's placement.
21 An eligible child may be initially placed in a participating intensive
22 foster care program at any one of the five Service and Rate Levels
23 A to E, inclusive, and thereafter placed at any level, either higher
24 or lower, not to exceed a total of six months at any level other than
25 Service and Rate Level E, unless it is determined to be in the best
26 interests of the child by the child's county interagency review team
27 or county placing agency and the child's certified foster parents.
28 The child's county interagency placement review team or county
29 placement agency may, through a formal review of the child's
30 placement, extend the placement of an eligible child in a service
31 and rate level higher than Service and Rate Level E for additional
32 periods of up to six months each.

33 (2) Rates for foster family agency programs participating under
34 paragraph (2) of subdivision (d) shall not exceed Service and Rate
35 Level I at any time during an eligible child's placement. An eligible
36 child may be initially placed in a participating intensive foster care
37 program at any one of the three Service and Rate Levels I to III,
38 inclusive, and thereafter placed at any level, either higher or lower,
39 not to exceed a total of six months at any level other than Service
40 and Rate Level III, unless it is determined to be in the best interests

1 of the child by the child's county interagency review team or
2 county placing agency, foster family agency, and the child's
3 certified foster parents. The child's county interagency placement
4 review team or county placement agency, through a formal review
5 of the child's placement, may extend the placement of an eligible
6 child in a service and rate level higher than Service and Rate Level
7 III for additional periods of up to six months each.

8 (f) It is the intent of the Legislature that the rate paid to
9 participating foster family agency programs shall decrease as the
10 child's need for services from the foster family agency decreases.
11 The foster family agency shall notify the placing county and the
12 department of the reduced services and the pilot classification
13 model, and the rate shall be reduced accordingly.

14 (g) It is the intent of the Legislature to prohibit any duplication
15 of public funding. Therefore, social worker services, payments to
16 certified foster parents, administrative activities, and the services
17 of in-home support counselors that are funded by another public
18 source shall not be counted in determining whether the foster
19 family agency program has met its obligations to provide the items
20 listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The
21 department shall work with other potentially affected state
22 departments to ensure that duplication of payment or services does
23 not occur.

24 (h) It is the intent of the Legislature that the State Department
25 of Social Services and the State Department of Health Care
26 Services, in collaboration with county placing agencies and ITFC
27 providers and other stakeholders, develop and implement an
28 integrated system that provides for the appropriate level of
29 placement and care, support services, and mental health treatment
30 services to foster children served in these programs.

31 (i) Beginning in the 2011–12 fiscal year, and for each fiscal
32 year thereafter, funding and expenditures for programs and
33 activities under this section shall be in accordance with the
34 requirements provided in Sections 30025 and 30026.5 of the
35 Government Code.

36 (j) Notwithstanding subdivisions (d) and (e), the department
37 shall implement a new interim rate structure for the period
38 beginning January 1, 2017, to December 31, 2019, inclusive. The
39 rate shall reflect the appropriate level of placement and address
40 the need for specialized health care, support services, and mental

1 health treatment services for foster children served in these
2 programs.

3 SEC. 131. (a) The State Department of Social Services and
4 the State Department of Health Care Services shall adopt
5 regulations as required to implement this act and Chapter 773 of
6 the Statutes of 2015.

7 (b) Notwithstanding the rulemaking provisions of the
8 Administrative Procedure Act (Chapter 3.5 (commencing with
9 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
10 Code), the State Department of Social Services and the State
11 Department of Health Care Services may implement and administer
12 the changes made by this act through all-county letters or similar
13 written instructions until regulations are adopted.

14 SEC. 132. (a) Section 1.5 of this bill incorporates amendments
15 to Section 48204 of the Education Code proposed by both this bill
16 and Assembly Bill 2537. It shall only become operative if (1) both
17 bills are enacted and become effective on or before January 1,
18 2017, (2) each bill amends Section 48204 of the Education Code,
19 and (3) this bill is enacted after Assembly Bill 2537, in which case
20 Sections 1 and 2 of this bill shall not become operative.

21 (b) *Section 10.5 of this bill incorporates amendments to Section*
22 *8712 of the Family Code proposed by both this bill and Assembly*
23 *Bill 1762. It shall only become operative if (1) both bills are*
24 *enacted and become effective on or before January 1, 2017, (2)*
25 *each bill amends Section 8712 of the Family Code, and (3) this*
26 *bill is enacted after Assembly Bill 1762, in which case Section 10*
27 *of this bill shall not become operative.*

28 (c) (1) *Section 15.1 of this bill incorporates amendments to*
29 *Section 1502 of the Health and Safety Code proposed by both this*
30 *bill and Assembly Bill 741. It shall only become operative if (A)*
31 *both bills are enacted and become effective on or before January*
32 *1, 2017, (B) each bill amends Section 1502 of the Health and Safety*
33 *Code, and (C) Senate Bill 524 is not enacted or as enacted does*
34 *not amend that section, and (D) this bill is enacted after Assembly*
35 *Bill 741, in which case Sections 15, 15.2, and 15.3 of this bill shall*
36 *not become operative.*

37 (2) *Section 15.2 of this bill incorporates amendments to Section*
38 *1502 of the Health and Safety Code proposed by both this bill and*
39 *Senate Bill 524. It shall only become operative if (A) both bills are*
40 *enacted and become effective on or before January 1, 2017, (B)*

1 each bill amends Section 1502 of the Health and Safety Code, (C)
2 Assembly Bill 741 is not enacted or as enacted does not amend
3 that section, and (D) this bill is enacted after Senate Bill 524 in
4 which case Sections 15, 15.1, and 15.3 of this bill shall not become
5 operative.

6 (3) Section 15.3 of this bill incorporates amendments to Section
7 1502 of the Health and Safety Code proposed by this bill, Assembly
8 Bill 741, and Senate Bill 524. It shall only become operative if (A)
9 all three bills are enacted and become effective on or before
10 January 1, 2017, (B) all three bills amend Section 1502 of the
11 Health and Safety Code, and (C) this bill is enacted after Assembly
12 Bill 741 and Senate Bill 524, in which case Sections 15, 15.1, and
13 15.2 of this bill shall not become operative.

14 (d) Section 34.5 of this bill incorporates amendments to Section
15 1522.44 of the Health and Safety Code proposed by both this bill
16 and Senate Bill 524. It shall only become operative if (1) both bills
17 are enacted and become effective on or before January 1, 2017,
18 (2) each bill amends Section 1522.44 of the Health and Safety
19 Code, and (3) this bill is enacted after Senate Bill 524, in which
20 case Section 34 of this bill shall not become operative.

21 (e) Section 35.5 of this bill incorporates amendments to Section
22 1523.1 of the Health and Safety Code proposed by both this bill
23 and Senate Bill 524. It shall only become operative if (1) both bills
24 are enacted and become effective on or before January 1, 2017,
25 (2) each bill amends Section 1523.1 of the Health and Safety Code,
26 and (3) this bill is enacted after Senate Bill 524, in which case
27 Section 35 of this bill shall not become operative.

28 (f) Section 48.5 of this bill incorporates amendments to Section
29 1538.8 of the Health and Safety Code proposed by both this bill
30 and Senate Bill 524. It shall only become operative if (1) both bills
31 are enacted and become effective on or before January 1, 2017,
32 (2) each bill amends Section 1538.8 of the Health and Safety Code,
33 and (3) this bill is enacted after Senate Bill 524, in which case
34 Section 48 of this bill shall not become operative.

35 (g) Section 49.5 of this bill incorporates amendments to Section
36 1538.9 of the Health and Safety Code proposed by both this bill
37 and Senate Bill 524. It shall only become operative if (1) both bills
38 are enacted and become effective on or before January 1, 2017,
39 (2) each bill amends Section 1538.9 of the Health and Safety Code,

1 and (3) this bill is enacted after Senate Bill 524, in which case
2 Section 49 of this bill shall not become operative.

3 (h) Sections 50.3 and 50.7 of this bill incorporate amendments
4 to Section 1548 of the Health and Safety Code proposed by both
5 this bill and Assembly Bill 2231. They shall only become operative
6 if (1) both bills are enacted and become effective on or before
7 January 1, 2017, (2) each bill amends Section 1548 of the Health
8 and Safety Code, and (3) this bill is enacted after Assembly Bill
9 2231, in which case Section 50 of this bill and Section 2 of
10 Assembly Bill 2231 shall not become operative.

11 (i) Section 57.5 of this bill incorporates amendments to Section
12 11165.7 of the Penal Code proposed by both this bill and Assembly
13 Bill 1001. It shall only become operative if (1) both bills are
14 enacted and become effective on or before January 1, 2017, (2)
15 each bill amends Section 11165.7 of the Penal Code, and (3) this
16 bill is enacted after Assembly Bill 1001, in which case Section 57
17 of this bill shall not become operative.

18 (j) Section 70.5 of this bill incorporates amendments to Section
19 361.2 of the Welfare and Institutions Code proposed by both this
20 bill and Assembly Bill 1688. It shall only become operative if (1)
21 both bills are enacted and become effective on or before January
22 1, 2017, (2) each bill amends Section 361.2 of the Welfare and
23 Institutions Code, and (3) this bill is enacted after Assembly Bill
24 1688, in which case Section 70 of this bill shall not become
25 operative.

26 (k) Section 71.5 of this bill incorporates amendments to Section
27 361.3 of the Welfare and Institutions Code proposed by both this
28 bill and Senate Bill 1336. It shall only become operative if (1) both
29 bills are enacted and become effective on or before January 1,
30 2017, (2) each bill amends Section 361.3 of the Welfare and
31 Institutions Code, and (3) this bill is enacted after Senate Bill 1336,
32 in which case Section 71 of this bill shall not become operative.

33 (l) Section 74.5 of this bill incorporates amendments to Section
34 361.5 of the Welfare and Institutions Code proposed by both this
35 bill and Assembly Bill 1702. It shall only become operative if (1)
36 both bills are enacted and become effective on or before January
37 1, 2017, (2) each bill amends Section 361.5 of the Welfare and
38 Institutions Code, and (3) this bill is enacted after Assembly Bill
39 1702, in which case Section 74 of this bill shall not become
40 operative.

1 (m) Section 78.5 of this bill incorporates amendments to Section
2 727.1 of the Welfare and Institutions Code proposed by both this
3 bill and Assembly Bill 2005. It shall only become operative if (1)
4 both bills are enacted and become effective on or before January
5 1, 2017, (2) each bill amends Section 727.1 of the Welfare and
6 Institutions Code, and (3) this bill is enacted after Assembly Bill
7 2005, in which case Section 78 of this bill shall not become
8 operative.

9 (n) Section 79.5 of this bill incorporates amendments to Section
10 727.4 of the Welfare and Institutions Code proposed by both this
11 bill and Assembly Bill 2005. It shall only become operative if (1)
12 both bills are enacted and become effective on or before January
13 1, 2017, (2) each bill amends Section 727.4 of the Welfare and
14 Institutions Code, and (3) this bill is enacted after Assembly Bill
15 2005, in which case Section 79 of this bill shall not become
16 operative.

17 (o) Section 92.5 of this bill incorporates amendments to Section
18 11462.01 of the Welfare and Institutions Code proposed by both
19 this bill and Assembly Bill 741. It shall only become operative if
20 (1) both bills are enacted and become effective on or before
21 January 1, 2017, (2) each bill amends Section 11462.01 of the
22 Welfare and Institutions Code, and (3) this bill is enacted after
23 Assembly Bill 741, in which case Section 92 of this bill shall not
24 become operative.

25 (p) Section 101.5 of this bill incorporates amendments to Section
26 11465 of the Welfare and Institutions Code proposed by both this
27 bill and Assembly Bill 1838. It shall only become operative if (1)
28 both bills are enacted and become effective on or before January
29 1, 2017, (2) each bill amends Section 11465 of the Welfare and
30 Institutions Code, and (3) this bill is enacted after Assembly Bill
31 1838, in which case Section 101 of this bill shall not become
32 operative.

33 (q) (1) Section 115.1 of this bill incorporates amendments to
34 Section 16501.1 of the Welfare and Institutions Code proposed by
35 both this bill and Assembly Bill 1067. It shall only become
36 operative if (A) both bills are enacted and become effective on or
37 before January 1, 2017, (B) each bill amends Section 16501.1 of
38 the Welfare and Institutions Code, (C) Assembly Bill 1849 is not
39 enacted or as enacted does not amend that section, and (D) this

1 *bill is enacted after Assembly Bill 1067, in which case Sections*
2 *115, 115.2, and 115.3 of this bill shall not become operative.*

3 *(2) Section 115.2 of this bill incorporates amendments to Section*
4 *16501.1 of the Welfare and Institutions Code proposed by both*
5 *this bill and Assembly Bill 1849. It shall only become operative if*
6 *(A) both bills are enacted and become effective on or before*
7 *January 1, 2017, (B) each bill amends Section 16501.1 of the*
8 *Welfare and Institutions Code, (C) Assembly Bill 1067 is not*
9 *enacted or as enacted does not amend that section, and (D) this*
10 *bill is enacted after Assembly Bill 1849, in which case Sections*
11 *115, 115.1, and 115.3 of this bill shall not become operative.*

12 *(3) Section 115.3 of this bill incorporates amendments to Section*
13 *16501.1 of the Welfare and Institutions Code proposed by this bill,*
14 *Assembly Bill 1067, and Assembly Bill 1849. It shall only become*
15 *operative if (A) all three bills are enacted and become effective*
16 *on or before January 1, 2017, (B) all three bills amend Section*
17 *16501.1 of the Welfare and Institutions Code, and (C) this bill is*
18 *enacted after Assembly Bill 1067 and Assembly Bill 1849, in which*
19 *case Sections 115, 115.1, and 115.2 of this bill shall not become*
20 *operative.*

21 SEC. 133. To the extent that this act has an overall effect of
22 increasing certain costs already borne by a local agency for
23 programs or levels of service mandated by the 2011 Realignment
24 Legislation within the meaning of Section 36 of Article XIII of
25 the California Constitution, it shall apply to local agencies only to
26 the extent that the state provides annual funding for those cost
27 increases. Any new program or higher level of service provided
28 by a local agency pursuant to this act above the level for which
29 funding has been provided shall not require a subvention of funds
30 by the state nor otherwise be subject to Section 6 of Article XIII
31 B of the California Constitution.

32 With regard to certain other costs that may be incurred by a local
33 agency or school district, no reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because, in that regard, this act creates a new crime
36 or infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction within the meaning of Section
38 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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